

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, February 13, 2023 - 7:00 PM

City Hall Council Chambers – 2nd Floor
City Hall, 333 – 90th Street
Daly City, CA 94015

To watch the live telecast:

<https://www.youtube.com/DalyCityVideoMeetings> or <https://www.dalycity.org/agendas>

Public Participation:

There are two ways to submit public comment: (1) submit written comments by meeting day, and (2) attend the meeting in person.

1. To submit a comment in writing, please visit www.dalycity.org/agendas and complete the Public Comment form. In the comment field box, include the item number and/or title of the item as well as your comments. Public Comments may also be emailed to cityclerk@dalycity.org by including “Public Comment” in the subject line. All written comments received by 4:00 pm on meeting day will be provided to the City Council prior to the meeting. Comments are not read aloud into the record.

Please note: Any written comments received after 4:00 p.m. on the meeting date is not guaranteed to be received by the City Council prior to the meeting.

2. To speak at the meeting in person, 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:

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

1. Proclamation - Black History Month, Leslie DuBridge, Daly City Cultural Arts Administrator

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.

APPROVAL OF MINUTES:

2. Regular Meeting of January 23, 2023

APPROVAL OF AGENDA:

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.

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:

3. Final Acceptance of the Subdivision Improvements for Major Subdivision SUB-4-17-12723 (the Juniper Project Subdivision)
4. Accept Grant Deed for the Tita Alice Bulos Community Hub from City Ventures Homebuilding, LLC
5. Appropriate Funds and Authorize the City Manager to Execute a Professional Services Agreement with Kimley-Horn and Associates Inc. for the RO 256 Streetlight Conversion Project
6. Amend Daly City's Conflict of Interest Code as to Positions
7. Request Use of Federal Asset Forfeiture Funds to Purchase Vehicle Immobilization Devices for the Police Department
8. Request Use of Federal Asset Forfeiture Funds to Purchase Replacement Firearms for the Police Department
9. Approve Daly City's 2022 Mandated Life and Safety Compliance Inspections Report

END OF CONSENT AGENDA

PUBLIC HEARINGS:

10. Public Hearing on Removal of Commercial Vehicle Parking on the East Side of Bayshore Boulevard

STAFF: Richard Chiu, Jr.

RECOMMENDATION: Open/Close Hearing
Adopt Resolution by Roll Call Vote

11. Introduce Ordinance Amending the Daly City Municipal Code Re: Commissioners and Board Members Compensation and Adopt Resolution Setting Compensation for Commissioners and Board Members

STAFF: Rose Zimmerman, Natalie Sakkal

RECOMMENDATION: Open/Close Hearing
Motion for City Attorney to Read by Title Only
Councilmember Introduce Ordinance
Adopt Resolution by Roll Call Vote

COMMUNICATIONS:

12. Consider and Select Artwork for the National Fitness Campaign Fitness Court® Lincoln Park Location

STAFF: Leilani Ramos

RECOMMENDATION: Council Determination

AWARD OF BIDS/CONTRACTS:

13. Award of Contract for the Construction, Development and Testing of the Margate Well

STAFF: Joshua Cosgrove

RECOMMENDATION: Adopt Resolution by Roll Call Vote

APPOINTMENTS: Board/Commission Membership Committee Appointments

REPORTS:

14. Council Committee

15. City Council

16. Staff

ADJOURNMENT:

Proclamation

BLACK HISTORY MONTH 2023

- WHEREAS,** February is officially celebrated as **Black History Month** to honor the achievements of African Americans in general, as well as their ongoing role in the development of the United States, and their contributions to the City of Daly City in particular; and
- WHEREAS,** in 1926 historian and author Dr. Carter G. Woodson, who is known as the father of Black History Studies, introduced Negro History Week to resist racism and to highlight the role Blacks have played in the development of civilization; and
- WHEREAS,** in 1992, the City of Daly City began honoring African Americans by observing Juneteenth, the oldest known celebration commemorating the ending of slavery in the United States, and over time, the Juneteenth commemoration grew into a celebration of Black History Month; and
- WHEREAS,** African Americans residing in Daly City have contributed to the betterment of our community through their skills, their volunteerism, their strength and vitality, their civic pride, and their business ventures; and
- WHEREAS,** the 2023 National Black History Month theme is “Black Resistance” focusing on African American spirituals, gospel, folk music, hip-hop, and rap that have been used to express struggle, hope, and solidarity in the face of racial oppression as music has been motivation for strength against harassment and to express freedom: and
- WHEREAS,** this year, 2023, the 31st consecutive year of commemorating Black History in Daly City, the Daly City Department of Library and Recreation Services, will host a celebration featuring both Oscar and Grammy award-winning documentary film *“Summer of Soul... (Or When the Revolution Could Not Be Televised)”* featuring long missing Harlem cultural event footage, as well as have an interactive panel discussion break, 1960’s-inspired delicious refreshments and more planned to foster community; and
- WHEREAS,** the Daly City community is invited to this free in-person event that will be held from 6:00pm to 8:30pm, Friday, February 17, 2023, and all are encouraged to sign up to attend at http://apm.activecommunities.com/dalycity/Activity_Search/17842 , limited seating available
- NOW, THEREFORE, I, Raymond A. Buenaventura,** Mayor, and members of the City Council of Daly City, do hereby proclaim February 2021 as **BLACK HISTORY MONTH** in Daly City and encourage residents to celebrate the contributions of African Americans to American history, society, and culture.

Signed and sealed by the Mayor and City Council of the City of Daly City
this 13th day of February 2023.

Raymond A. Buenaventura, Mayor

Juslyn C. Manalo, Vice Mayor

Roderick Daus-Magbual, Councilmember

Pamela DiGiovanni, Councilmember

Glenn R. Sylvester, Councilmember

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Visit <https://www.youtube.com/@DalyCityVideoMeetings/streams> to view the City Council meetings

The meeting was called to order by Mayor Buenaventura at 7:00 P.M. The Mayor expressed concern and acknowledged the recent mass shootings that occurred in the County and the victims killed in Half Moon Bay and Monterey Park. Mayor Buenaventura ensured the public there will be discussions to see what the Council can do to influence decision-makers to prevent mass shootings.

ROLL CALL: Councilmembers Present:
 Raymond A. Buenaventura, Mayor
 Juslyn C. Manalo, Vice Mayor
 Roderick Daus-Magbual
 Pamela DiGiovanni
 Glenn R. Sylvester

Staff Present:
 Tom Piccolotti, Interim City Manager
 Rose L. Zimmerman, City Attorney
 K. Annette Hipona, City Clerk

APPROVAL OF AGENDA:

It was moved by Councilmember Sylvester, seconded by Vice Mayor Manalo and carried to approve the agenda.

RESOLUTIONS:

Appointment and Employment of Thomas J. Piccolotti as City Manager of the City of Daly City

City Attorney Rose Zimmerman provided the staff report. The Council acknowledged and commended the years of service and experience from Mr. Piccolotti, Mr. Piccolotti's willingness to step in as Interim City Manager during the previous year, and his performance during what was essentially a six-month interview process serving as the Interim City Manager. Councilmember DiGiovanni acknowledged Mr. Piccolotti's professionalism and service but expressed concern with a lack of a budgetary process referring to monetary aspects and referred to issues of equitability and transparency.

It was moved by Mayor Buenaventura, seconded by Vice Mayor Manalo and carried by the following roll call vote to adopt the resolution.

Ayes:	Daus-Magbual, Manalo, Sylvester, Buenaventura
Noes:	None
Abstained:	DiGiovanni

Resolution 23-16, Approving Employment Agreement and Appointing Thomas J. Piccolotti to Serve as City Manager

Mayor Buenaventura gave the Oath of Office to appointed City Manager, Thomas J. Piccolotti.

Note on Public Comments: For this meeting, members of the Council and the public had the option of attending in person or submitting public comments via email to the City Clerk's Office prior to the public meeting. Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting were instructed to call the office of the City Clerk at 991-8078 prior to the meeting.

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City Manager Piccolotti thanked the Council, his executive team consisting of Rose Zimmerman, Cameron Christensen, Chela Anderson, Denise Brown, Joshua Cosgrove, Natalie Sakkal, Tatum Mothershead, Richard Chiu, Ron Myers, and Tim Nevin, and immediate staff consisting of Leilani Ramos and Charlie Morrow. Mr. Piccolotti outlined his goals, looked forward to working with the City's Commissioners, and placed the needs of the citizens as his top priority. Mr. Piccolotti thanked his family and requested a brief recess to introduce them.

Mayor Buenaventura called for a five-minute recess at 7:28 PM. and called the meeting back to order at 7:32 PM.

PRESENTATIONS:

Proclamation - Human Trafficking Prevention Month

(Acting Chief Cameron Christensen; Pat Racela & Deodor Tronco, Justice for Rainbow Bright Workers)

DCPLA Gordon L. King Memorial Grant to the Daly City Public Library

(President Monica Devincenzi, Daly City Public Library Associates)

APPROVAL OF MINUTES:

Regular Meetings of January 9, 2023

It was moved by Vice Mayor Manalo, seconded by Councilmember Sylvester and carried to approve the minutes of January 9, 2023.

PUBLIC APPEARANCES:

Brent Turner commended the Council on their decision and congratulated Mr. Piccolotti on his appointment as City Manager and spoke in support of Mr. Piccolotti, commending his character, honor, and sense of service to the community.

Nina Phillips, HIP Housing, thanked the Council for their support and partnership with HIP Housing, an affordable housing, non-profit organization throughout San Mateo County. Nina provided information on the organization's initiatives and achievements in housing low-income families and individuals.

Bob Quinn requested an option for the public to join meetings remotely. Bob expressed concern with the lack of other candidates for City Manager and requested transparency with a police report and investigation concerning events that occurred at City Hall.

Ray Satorre, Pilipino Bayanihan Resource Center and Lions Club, congratulated Mr. Piccolotti on his new role as City Manager, extended support via his organizations, and voiced support for the Council's decision on the matter.

CONSENT AGENDA:

It was moved by Vice Mayor Manalo, seconded by Councilmember DiGiovanni and carried to approve the consent agenda except items # 8, 9, and 11, which were pulled for further discussion.

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Resolutions:

Approve Notary Pay Compensation

Resolution 23-17, Adding Notary Pay Compensation

Appropriate Funds and Authorize the Interim City Manager to Execute an Amendment to the Professional Services Agreement with Park Engineering for Mission Street Streetscape Project

Resolution 23-18, Authorizing Execution of Amendment #1 to Professional Services Agreement with Park Engineering to Provide Construction Inspection Services for the Mission Street Streetscape Project

Authorize City Staff to Apply to the CalRecycle Legacy Disposal Site Abatement Partial Grant Program Fiscal Year 2022-23 for Grant Funding for the Mussel Rock North Bluff Mitigation and Stabilization Project – Upper Disposal Area Targeted Waste Removal

Resolutions 23-19, Authorizing Submittal of Application(s) for all CalRecycle Grant and Payment Programs for which the City of Daly City is Eligible

Approve Public Works Department Administration Reorganization and Proposed Staffing Changes

Public Works Director Chiu provided the staff report for the proposal in staffing changes.

It was moved by Vice Mayor Manalo, seconded by Councilmember DiGiovanni and carried to approve the following resolution by voice vote:

Resolution 23-20, Approving Reorganization Plan for the Public Works Department Administration Division and Proposed Staffing Changes

Authorize City Manager to Execute Contract with Habitat for Humanity Greater San Francisco for Pilot Program to Carry out Housing Rehab Loan Program

Betsy ZoBell provided the staff report and addressed questions on how the pilot program differs from the Rebuilding Together Program and inquiries on the housing rehabilitation program Section 203(k).

It was moved by Vice Mayor Manalo, seconded by Councilmember DiGiovanni and carried to approve the following resolution by voice vote:

Resolution 23-21, Authorizing a Contract with Habitat for Humanity Greater San Francisco for a Pilot Program to Carry Out a Housing Rehab Loan Program

Accept and Appropriate a \$5,500 Gordon L. King Memorial Grant from the Daly City Public Library Associates

Resolution 23-22, Accepting and Appropriating Grant from the Daly City Public Library Associates

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Setting Time and Place of Public Hearing – Proposed Ordinance Adding Chapter 2.60 to the Municipal Code, Re: Commissioners and Board Members Compensation

City Attorney Zimmerman provided the staff report and clarification on the public hearing process. Mayor Buenaventura acknowledged Planning Commissioner Ray Satorre, Arts & Culture Commissioner Dorie Paniza, and Recreation Commissioner Reigil Paniza, who were present at the meeting.

It was moved by Councilmember Daus-Magbual, seconded by Vice Mayor Manalo and carried to approve the following resolution by voice vote:

Resolution 23-23, Setting Time and Place of Public Hearing for Proposed Ordinance Adding Chapter 2.60 to the Daly City Municipal Code Re: Commissioners and Board Members Compensation

Check Registers:

Check Registers for the Month of December 2022

END OF CONSENT AGENDA

COMMUNICATIONS:

Update on Status of Development of SamTrans Property at 3501 Junipero Serra Boulevard (Park and Ride Lot)

Director of Economic and Community Development Tatum Mothershead introduced SamTrans staff to present their proposal for the 8.7-acre parcel at 3501 Junipero Serra Boulevard. Jessica Epstein, Manager of Community Affairs for SamTrans, requested the Council's support to develop the lot at Colma BART station into TOD housing, via a letter of support. Michaela Patrick gave a presentation on the current needs of the community, the timeline, and the great opportunity to develop a project which addresses the County's housing shortage. Michaela and Jessica addressed questions on the proposed number of affordable housing units on the site and public transportation routes to nearby shopping centers.

It was moved by Councilmember Sylvester, seconded by Councilmember DiGiovanni and carried by voice vote to approve the letter of support proposed by SamTrans for the Colma Park and Ride Lot.

AWARD OF BIDS/CONTRACTS:

Replace Citrus Pump Station Roof

Plant Equipment & Maintenance Manager Michael Patolo provided the staff report to award the construction contract to DuBois Roofing in the amount of \$109,712. The Council had questions on the options for roof materials, the square footage, the length of the guarantee, and whether union labor will be utilized.

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

Resolution 23-24, Authorizing Execution of An Agreement with Dubois Roofing to Replace the Citrus Pump Station Roof

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APPOINTMENTS:

It was moved by Mayor Buenaventura, seconded by Vice Mayor Manalo and carried by voice vote to move Gary Pacheco from the Planning Commission to the Library Board of Trustees.

It was moved by Mayor Buenaventura, seconded by Vice Mayor Manalo and carried by voice vote to move Reigil Paniza from the Recreation Commission to the Planning Commission.

It was moved by Mayor Buenaventura, seconded by Vice Mayor Manalo and carried by voice vote to appoint Cheryl Catuar to the Recreation Commission; Councilmember DiGiovanni abstained.

REPORTS:

City Council Committee

Bay Area Water Supply & Conservation Agency (BAWSCA) (Manalo)

City Council

Councilmember Daus-Magbual reported attendance at CalCities' Policy Committee orientation where he was appointed to the Housing Community Economic Development Policy Committee by colleague, Vice Mayor Manalo.

Councilmember DiGiovanni relayed messages she received from the public requesting to add the option to call into meetings and to air the meetings on local cable channel(s) for accessibility. Councilmember DiGiovanni requested looking into passed legislation to prevent disruptive behavior at meetings and supported free speech. Councilmember DiGiovanni acknowledged Pacific Islanders Together's Christmas event at the Bayshore School which was also attended by firefighters, commended Recreation Manager Brown for the holiday event at Westlake, and thanked the City Manager for the employee tree-lighting event.

Vice Mayor Manalo commended the Recreation staff for the success of Winter Wonderland at Westlake Park. Vice Mayor Manalo reported attendance at various events including Pacific Islanders Together's event at Bayshore Elementary School along with the firefighters; the Filipino Nurses Association event in Foster City to give back to the community; the San Mateo Board of Supervisors meeting which saw the first Latina, Supervisor Corzo, seated at the board; the swearing-in event of Attorney General Rob Bonta, the first Filipino-American elected in that role; the California Museum's exhibit of Filipino-Americans in education, arts & public service and commended Dr. Rodriguez for the curation; the swearing-in of Controller Malia Cohen, the first African-American woman in the role; and an Art Event for the youth by the youth to honor Dr. Martin Luther King Jr. and his legacy which was put together by the Cow Palace, a place where Dr. King Jr. once gave a speech.

ADJOURNMENT:

Mayor Buenaventura adjourned the meeting at 9:11 PM in memory of those who perished from gun violence, particularly those who perished in San Mateo County. The meeting also adjourned in memory of Algis Ratnikas, Patricia Lopez, Evangeline Kapala Tovero, Darnell Calhoun, Isaiah Cordero, Lloyd Edward Tilghman, Elisa Luna, Peggy Fehr, Ronald Michael Robell, and Leon Carr.

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Approved as submitted, this 13th

day of February, 2023.

Raymond A. Buenaventura
Mayor

City Clerk



City Council Agenda Report

Item # _____

Meeting Date: February 13, 2023

Subject: Final Acceptance of the Subdivision Improvements for Major Subdivision SUB-4-17-12723 (the Juniper Project Subdivision)

Recommended Action

Staff recommends that the City Council adopt a resolution to accept the completion of subdivision improvements for Major Subdivision SUB-4-17-12723, the Juniper Project Subdivision, and authorize the release of security deposit in accordance with the Subdivision Improvement Agreement.

Background

On January 14, 2019, the City Council approved the tentative map for Major Subdivision SUB-4-17-12723, the Juniper Project located at 3301 Junipero Serra Boulevard, subject to the project's Conditions of Approval. The tentative map allowed the creation of 75 residential townhome-style condominium units, two commercial condominium units, and one community room condominium unit.

On September 23, 2019, the City Council approved the Subdivision Improvement Agreement and Final Map SUB-4-17-12723 for the Juniper Project. The Juniper Project included townhome-style residential units, commercial units, and one community room to be deeded to the City, all developed by City Ventures Homebuilding, LLC (Developer). The Subdivision Improvement Agreement and bonds associated with the work were originally executed and provided by the Developer.

Subdivision improvements associated with the construction of the project included street improvements, sidewalk, grading and drainage, water (managed by the California Water Service), sanitary sewer, lighting, landscaping, and joint trench utilities. The total value of the subdivision improvements is \$2,281,778.75.

Discussion

The Developer has completed the construction of improvements in accordance with the Subdivision Improvement Agreement, the plans and specifications, and to the satisfaction of the City Engineer.

The Developer provided bonds in the amount of \$2,281,778.75, which may now be released in accordance with the terms of the Subdivision Improvement Agreement. A warranty security deposit in the amount of \$228,177.87 will be held for a one-year period, in the event that any of the improvements fail within that time.

Fiscal Impact

There is no fiscal impact to the City as a result of this action.

Final Acceptance of the Subdivision Improvements for Major Subdivision SUB-4-17-12723 (the Juniper Project Subdivision)

Meeting Date: February 13, 2023

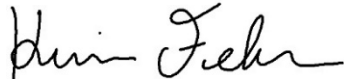
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Summary/Conclusion

Staff recommends that the City Council adopt a resolution to accept the completion of subdivision improvements for Major Subdivision SUB-4-17-12723, the Juniper Project Subdivision, and authorize the release of security deposit in accordance with the Subdivision Improvement Agreement.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,



Kevin Fehr
City Engineer



Richard Chiu, Jr.
Director of Public Works



City Council Agenda Report

Item # _____

Meeting Date: February 13, 2023

Subject: Accept Grant Deed for the Tita Alice Bulos Community Hub from City Ventures Homebuilding, LLC

Recommended Action

Staff recommends that the City Council approve and authorize the City Manager to accept, on behalf of the City, the Grant Deed for the Tita Alice Bulos Community Hub from City Ventures Homebuilding, LLC.

Background

At the June 26, 2017 Regular City Council Meeting, City Ventures presented its request to obtain a Preliminary Plan Review from the City Council for 3301 Junipero Serra Boulevard (previously Serra Bowl, and now known as the Juniper Subdivision). During the discussion, members of the City Council expressed their desire to add a Community Room (also known as the Community Hub) on site.

At the January 14, 2019 Regular City Council Meeting, City Ventures presented its request to build the Serra Station Townhouse Project and gave an overview of the revised site plan, which included a 1,050 square foot Community Hub. The City Council approved the project, including the condition for the development to deed the new Community Hub to the City.

Alice Peña Bulos, known as the “Grandmother of Filipino-American Politics,” served four decades empowering minorities and under-represented groups of all ages from every background within her own community and throughout the world to impart knowledge about important topic, such as political empowerment, domestic violence, health care, and the U.S. residency application process.

On September 9, 2019, the City Council approved a resolution naming the new Community Hub in her honor.

Discussion

The Developer has completed the construction of the Tita Alice Bulos Community Hub in accordance with the project’s conditions of approval. The facility also includes 8 parking spaces for Community Hub parking only, which can be accessed from D Street.

Upon recordation of the Grant Deed, the space will be a new City facility owned in fee by the City. The City will become a member of the development’s homeowner’s association (HOA) and will be fully responsible for the maintenance of the interior of the facility, custodial services, payment of utilities, and for recreational programming. The space will require purchase of furniture and equipment in order to prepare the space for City occupancy and use.

The project conditions of approval, approved on January 14, 2019, require that the City be exempt from HOA fees to the extent allowed by law, that the City has the option to become a voting member of the HOA, that the City incur no cost for maintenance of the parking lot, and that all Community Hub signage be maintained by the HOA. As the facility is located within a condominium building that includes two additional commercial units with residential units above, the HOA will be responsible for general maintenance of the building itself and all other site maintenance at the Juniper.

Specific details regarding further limitations of the City's responsibilities as the owner of the facility known as the Public Community Room Exemption are laid out in the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for the Juniper (CC&R's), recorded on November 7, 2019 as document number 2019-093675, and subsequent amendments.

Fiscal Impact

This action will accept a new City facility that will be owned in fee by the City. The City would be responsible for additional building maintenance, custodial services, payment of utilities and HOA fees, recreational programming, and initial purchases of furniture and equipment.

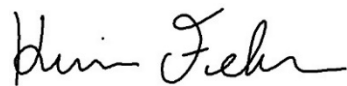
If approved, the estimated annual cost for this new facility is \$25,000. Initial, one-time furniture and equipment purchases are estimated to be \$25,000. Recreational programming costs for the Community Hub will be recovered in accordance with the City's facility rental fees.

Summary/Conclusion

Staff recommends that the City Council approve and authorize the City Manager to accept, on behalf of the City, the Grant Deed for the Tita Alice Bulos Community Hub from City Ventures Homebuilding, LLC.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,



Kevin Fehr
City Engineer



Richard Chiu, Jr.
Director of Public Works

Attachment:

1. Grant Deed

RECORDING REQUESTED BY

City of Daly City

AND WHEN RECORDED MAIL TO:

CITY ATTORNEY'S OFFICE

City of Daly City

333 90th Street – 3rd Floor

Daly City, CA 94015

EXEMPT FROM RECORDING FEES

GOVERNMENT CODE §27383

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

A.P.N.: 117-870-030

GRANT DEED

The Undersigned Grantor(s) Declare(s):

DOCUMENTARY TRANSFER TAX **\$0.00**;

CITY TRANSFER TAX **\$0.00**;

Exempt Governmental agency

SURVEY MONUMENT FEE **\$ 0.00**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **CITY VENTURES HOMEBUILDING, LLC**, a Delaware limited liability company, hereby grants to **THE CITY OF DALY CITY**, a Municipal Corporation, all the following described property located in the County of San Mateo, State of California:

See Exhibit "A" attached:

This deed is made in accordance with the provisions of Resolution No. 19-14, condition 5(a).

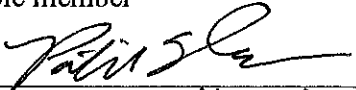
[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

EXECUTED

This 28th day of November 2022

**CITY VENTURES HOMEBUILDING, LLC,
a Delaware limited liability company**

By: City Ventures Communities, LLC,
a Delaware limited liability company,
its sole member

By: 
Name: Patrick Hendry
Title: Authorized Signatory

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

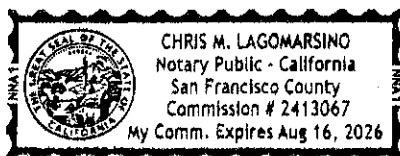
COUNTY OF San Francisco

On 11/28/2022 before me, Chris M Lagomarsino (here insert name and title of the officer), personally appeared Patrick Hendry who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Chris M Lagomarsino (Seal)



CERTIFICATE OF ACCEPTANCE
(Government Section 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the Grant Deed dated _____, 2022 from CITY VENTURES HOMEBUILDING, LLC, a Delaware limited liability company, to the City of Daly City, a municipal corporation, is hereby accepted by the undersigned on behalf of the City of Daly City pursuant to the authority conferred by City Council Resolution No. _____ adopted on _____, 2022, and the City of Daly City consents to recordation thereof by its duly authorized officer.

CITY OF DALY CITY, a municipal corporation

Dated: _____, 2022

By: _____
Thomas Piccolotti
City Manager

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF SAN MATEO

On _____ before me, _____ (here insert name and title of the officer), personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT A

PARCEL 1:

A ONE-ELEVENTH (1/11TH) UNDIVIDED FRACTIONAL FEE INTEREST IN AND TO ALL OF THE PROPERTY LOCATED IN THE CITY OF DALY CITY, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, DESCRIBED AND/OR DEPICTED AS MODULE "B" ON THAT CERTAIN CONDOMINIUM PLAN FOR PHASE 1 OF THE JUNIPER RECORDED ON NOVEMBER 7, 2019, AS INSTRUMENT NO. 2019-093676, AND THE AMENDED CONDOMINIUM PLAN FOR PHASE 1, RECORDED MARCH 10, 2020, INSTRUMENT NO. 2020-021578 IN THE OFFICIAL RECORDS OF SAN MATEO COUNTY, CALIFORNIA (COLLECTIVELY THE "CONDOMINIUM PLAN").

PARCEL 2. THE CONDOMINIUM UNIT:

UNIT CR-1 OF A PORTION OF LOT 1 OF THE MAP OF THE JUNIPER, IN THE CITY OF DALY CITY, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AS PER MAP RECORDED ON OCTOBER 16, 2019, BOOK 142, PAGES 45 THROUGH 49, INCLUSIVE, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DEPICTED AND/OR DESCRIBED AS A PORTION OF MODULE "A" ON THE CONDOMINIUM PLAN, AND AS DEFINED IN THE "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, AND RESERVATION OF EASEMENTS FOR THE JUNIPER" RECORDED ON NOVEMBER 7, 2019, AS INSTRUMENT NO. 2019-093675, TOGETHER WITH ANY AMENDMENTS, MODIFICATIONS, OR RERECORDATIONS THERETO, AS MAY OCCUR FROM TIME TO TIME, ALL IN THE OFFICIAL RECORDS OF SAN MATEO COUNTY, CALIFORNIA (THE "DECLARATION").

RESERVING THEREFROM UNTO THE GRANTOR, THE RIGHT TO ENTER THE "CONDOMINIUM ESTATE" (DEFINED BELOW) FOR TEN YEARS FOLLOWING RECORDATION DATE OF THIS GRANT DEED, TO COMPLETE AND REPAIR ANY IMPROVEMENT OR LANDSCAPING LOCATED THEREON AS DETERMINED NECESSARY BY GRANTOR, IN ITS SOLE DISCRETION, IN ORDER TO CORRECT ANY DEFICIENCIES IN THE CONSTRUCTION, DESIGN, SPECIFICATIONS, SURVEYING, PLANNING, ASSOCIATED WITH THE CONDOMINIUM, AND/OR TO COMPLY WITH THE REQUIREMENTS OF APPLICABLE GOVERNMENTAL AGENCIES OR REQUIREMENTS OF LAW. THE CONDOMINIUM ESTATE IS ALSO SUBJECT TO A RIGHT OF ENTRY BY GRANTOR AND ITS AGENTS UNTIL THE EXPIRATION OF ALL APPLICABLE STATUTES OF LIMITATIONS FOR THE FILING OF A COMPLAINT OR SUIT OR OTHER LEGAL REMEDIES AGAINST GRANTOR IN ANY WAY RELATING TO OR ARISING OUT OF THE DEVELOPMENT, CONSTRUCTION, SALE AND/OR TRANSFER OF THE CONDOMINIUM ESTATE BY GRANTOR. SUCH ENTRY BY GRANTOR SHALL BE PRECEDED BY REASONABLE NOTICE TO GRANTEE. IF THIS RESERVATION OF RIGHT OF ENTRY IS NOT COMPLIED WITH BY GRANTEE, GRANTOR MAY ENFORCE THIS RIGHT OF ENTRY IN A COURT OF LAW. GRANTEE MAY BE RESPONSIBLE FOR ALL DAMAGES ARISING OUT OF SAID BREACH (E.G., REFUSING TO ALLOW ENTRY) INCLUDING ATTORNEYS' FEES, COSTS, AND EXPENSES.

PARCEL 3. EASEMENT FOR EXCLUSIVE USE CORPORATION PROPERTY:

EXCLUSIVE USE CORPORATION PROPERTY EASEMENTS APPURTENANT TO THE AFORE-DESCRIBED CONDOMINIUM UNIT AS MORE PARTICULARLY DESCRIBED AND/OR DEPICTED IN THE CONDOMINIUM PLAN AND/OR DECLARATION (E.G., DECK, PATIO, AIR CONDITIONING PAD, SOLAR SYSTEM, ETC., AS APPLICABLE) - "EXCLUSIVE USE CORPORATION PROPERTY").

PARCEL 4. NONEXCLUSIVE EASEMENTS OVER CORPORATION PROPERTY:

SUBJECT TO THE RESTRICTIONS SET FORTH IN THE DECLARATION, A NONEXCLUSIVE EASEMENT APPURTENANT TO THE AFORE-DESCRIBED CONDOMINIUM UNIT FOR INGRESS, EGRESS, USE, AND ENJOYMENT IN, ON, OVER, ACROSS, AND THROUGH ALL PORTIONS OF THE CORPORATION PROPERTY OF THE PROJECT (AS DEFINED IN THE DECLARATION), EXCEPT THEREFROM THOSE PORTIONS DESCRIBED THEREIN AS EXCLUSIVE USE CORPORATION PROPERTY, AND ACROSS ALL PORTIONS OF ANY CORPORATION PROPERTY SUBSEQUENTLY ANNEXED INTO THE PROJECT, IF ANY, WHICH ARE NOT DESCRIBED AS EXCLUSIVE USE CORPORATION PROPERTY.

(PARCELS 1 THROUGH 4, INCLUSIVE, ARE COLLECTIVELY REFERRED TO HEREIN AS THE "CONDOMINIUM ESTATE").



City Council Agenda Report

Item # _____

Meeting Date: February 13, 2023

Subject: Appropriate Funds and Authorize the City Manager to Execute a Professional Services Agreement with Kimley-Horn and Associates Inc. for the RO 256 Streetlight Conversion Project

Recommended Action

Staff recommends that the City Council :

1. Appropriate \$36,200 of unallocated Measure A funds for the RO 256 Palisades Streetlight Conversion project; and
2. Authorize the City Manager to execute an agreement and any amendments, in an amount not to exceed \$122,301.75 for professional services with Kimley-Horn and Associates, Inc. of Oakland, California to provide engineering design services for the RO 256 Streetlight Conversion Project.

Background

The City owns and operates streetlights that are powered by high voltage regulated output (RO) series circuits. RO circuit technology for powering streetlights is outdated, unreliable and expensive to operate. This project includes designing new circuitry and replacing the high voltage lights with standard 120/240-volt multiple service parallel circuit. Conversion of the series circuits streetlights to parallel circuits will reduce maintenance cost, power consumption, minimize large area streetlight outages and increase lighting reliability.

This project will update the streetlight system for RO 256, which consists of approximately 68 streetlights surrounding the Palisades Neighborhood. Exhibit A shows the streetlights included in RO 256.

Discussion

Staff released a Request for Proposals (RFP) for design services on October 20, 2022 to twenty (20) firms selected from the City's 2021 General Engineering Services short list with expertise in civil/electrical engineering. Two (2) firms submitted proposals by the due date of December 8, 2022. A panel consisting of staff from the Department of Public Works evaluated the proposals on their technical merits. Kimley Horn Associates was ranked first and recommended for the project based on their experience and qualifications. They have successfully completed similar design projects for the Cities of Burlingame, Menlo Park and Visalia.

Kimley-Horn and Associates' scope of work includes, review of existing designs and as-built documents, field survey of the site, evaluate and calculate electricity needs with new parallel circuits, coordinate and submit electrical service applications for new streetlight circuits with Pacific Gas &

**Appropriate Funds and Authorize the City Manager to Execute a Professional Services Agreement
with Kimley-Horn and Associates for the RO 256 Streetlight Conversion Project**
Meeting Date: February 13, 2023
Page 2 of 2

Electric Company, prepare construction plans, specifications and cost estimate, and provide support during bidding and construction.

Fiscal Impact

The professional services agreement with Kimley-Horn and Associates provides for a not-to-exceed amount of \$122,301.75. This amount includes field surveys, electrical load calculations and design services. Currently \$86,200 is available in the project account. Therefore, an additional \$36,200 is needed for design services.

An additional appropriation of \$36,200 is needed in the Transportation Fund CIP project account 17-312-921 RO 256 Palisades Streetlight Conversion Project to fully fund the agreement. This action will appropriate \$36,200 of unallocated Measure A funds.

Summary/Conclusion

Staff recommends that the City Council:

1. Appropriate \$36,200 of unallocated Measure A funds for the RO 256 Palisades Streetlight Conversion project; and
2. Authorize the City Manager to execute an agreement and any amendments, in an amount not to exceed \$122,301.75 for professional services with Kimley-Horn and Associates, Inc. of Oakland, California to provide engineering design services for the RO 256 Streetlight Conversion Project.

Staff is available to provide additional information desired by the Mayor or Council Members.

Respectfully submitted,



Shirley Chan
Sr. Civil Engineer

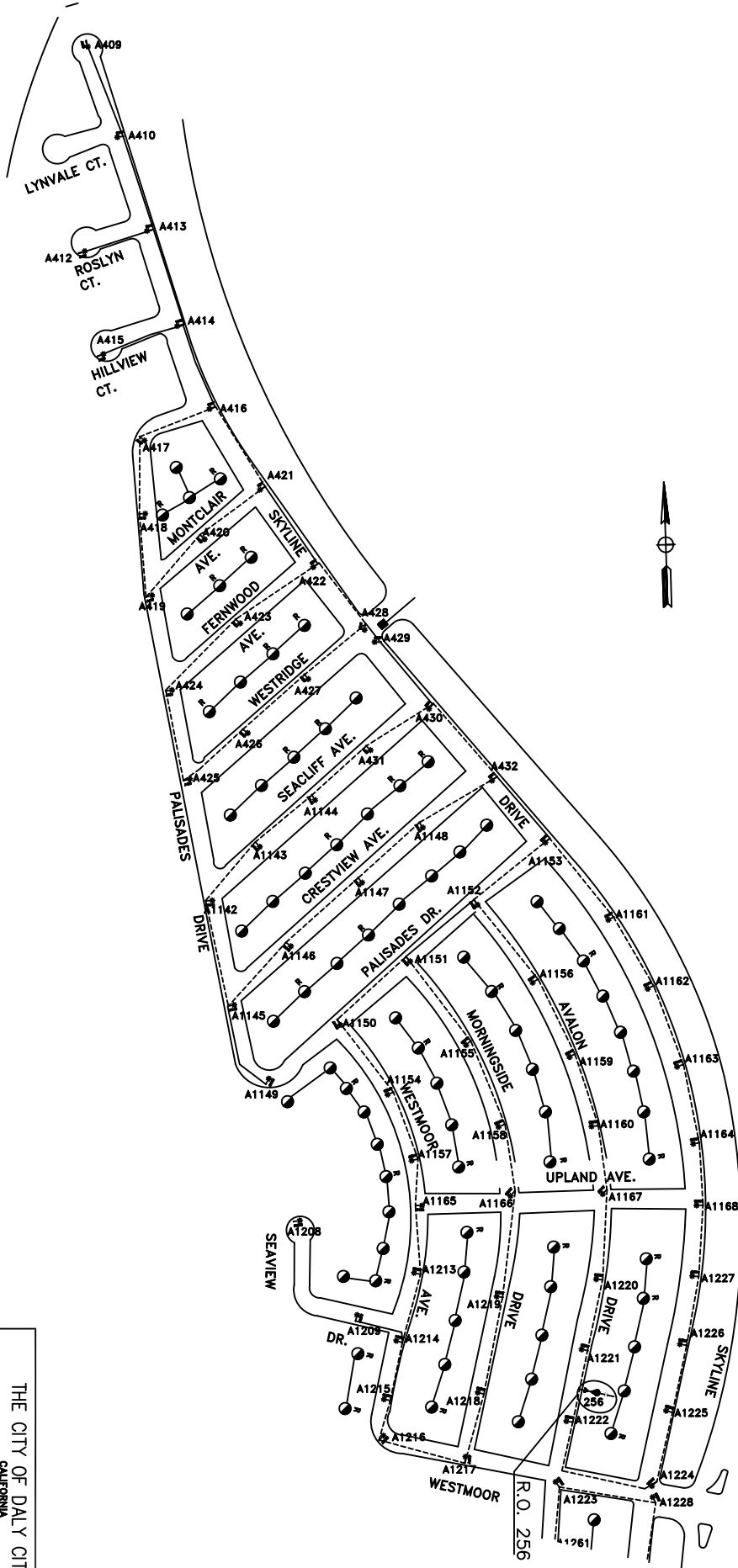


Richard Chiu, Jr.
Director of Public Works

Attachments:

1. Exhibit A – Project Location Map
2. Kimley-Horn and Associates, Inc. Professional Services Agreement

- JOINT UTILITY POLE
- JOINT UTILITY POLE WITH RISER



FOR REVISIONS, PLANS, AND SPECIFICATIONS

0 1 2 3

THE CITY OF DALY CITY			
CALIFORNIA			
DEPARTMENT OF PUBLIC WORKS			
DALY CITY			
SERIES STREET LIGHT			
CIRCUITS			
DATE	1/99	APPROVED	CITY ENGINEER
DESIGNED BY	NTS		
SHEET NO.	8 OF 16	R.O. 256	

**AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC.
FOR RO 256 STREETLIGHT CONVERSION DESIGN PROFESSIONAL SERVICES
FOR
City of Daly City**

This Agreement, made and entered into this ____ day of _____, 2023 by and between the **CITY OF DALY CITY**, a municipal corporation existing under the laws of the State of California ("CITY"), and KIMLEY-HORN AND ASSOCIATES, INC. a North Carolina Corporation ("CONSULTANT"):

KIMLEY-HORN AND ASSOCIATES, INC.
1300 Clay Street, Suite 325
Oakland, CA 94612

R E C I T A L S :

A. CITY desires certain construction document services hereinafter described as the design services for the RO 256 Streetlight Conversion Design Professional Services.

B. CITY desires to engage CONSULTANT to provide these consulting services by reason of its qualifications and experience for performing such services and CONSULTANT has offered to provide the required services on the terms and in the manner set forth herein.

NOW, THEREFORE, IT IS AGREED as follows:

SECTION 1 - SCOPE OF SERVICES

The scope of services to be performed by CONSULTANT under this Agreement is as described in Exhibit A to this Agreement, the proposal from Kimley-Horn and Associates, Inc. dated December 8, 2022 and revised on January 23, 2023, attached and incorporated by reference.

SECTION 2 - DUTIES OF CONSULTANT

CONSULTANT shall be responsible for the professional quality, technical accuracy and coordination of all work furnished by CONSULTANT under this Agreement. CONSULTANT shall, without additional compensation, correct or revise any errors or deficiencies in its work.

CONSULTANT represents that it is qualified to furnish the services described under this Agreement.

CONSULTANT shall be responsible for employing or engaging all persons necessary to perform the services of CONSULTANT.

SECTION 3 - DUTIES OF CITY

CITY shall provide pertinent information regarding its requirements for the project.

CITY shall examine documents submitted by CONSULTANT and shall render decisions pertaining thereto promptly, to avoid unreasonable delay in the progress of CONSULTANT'S work.

SECTION 4 - TERM

The services to be performed under this Agreement shall commence on the Effective Date and completed within one (1) year.

SECTION 5 - PAYMENT

Payment shall be made by CITY only for services rendered and upon submission of a payment request upon completion and CITY approval of the work performed. In consideration for the full performance of the services set forth in Exhibit A, CITY agrees to pay CONSULTANT, on a time and materials basis, pursuant to rates stated in Exhibit A to this Agreement, attached and incorporated by reference. In no event shall CONSULTANT's total compensation under this Agreement exceed One Hundred Twenty Two Thousand Three Hundred One Dollar and Seventy Five cents (\$122,301.75).

SECTION 6 – TERMINATION

Without limitation to such rights or remedies as CITY shall otherwise have by law, CITY shall have the right to terminate this Agreement or suspend work on the Project for any reason, upon ten (10) days' written notice to CONSULTANT. CONSULTANT agrees to cease all work under this Agreement upon receipt of said written notice.

Upon termination and upon CITY'S payment of the amount required to be paid, documents become the property of CITY, and CONSULTANT shall transfer them to CITY upon request without additional compensation.

SECTION 7 - OWNERSHIP OF DOCUMENTS

All documents prepared by CONSULTANT in the performance of this Agreement, although instruments of professional service, are and shall be the property of CITY, whether the project for which they are made is executed or not.

SECTION 8 – INDEPENDENT CONTRACTOR

It is understood that Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and shall not act as an agent of employee of the City. Consultant shall obtain no rights to retirement benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

SECTION 9 - CONFIDENTIALITY

All reports and documents prepared by CONSULTANT in connection with the performance of this Agreement are confidential until released by CITY to the public. CONSULTANT shall not make any such documents or information available to any individual or organization not employed by CONSULTANT or CITY without the written consent of CITY before any such release.

SECTION 10 - INTEREST OF CONSULTANT

CONSULTANT covenants that it presently has no interest, and shall not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of the services under this Agreement.

SECTION 11 – USE OF SUBCONSULTANTS

CONSULTANT shall not subcontract any services to be performed by it under this Agreement without the prior written approval of the CITY, except for service firms engaged in drawing reproduction, typing and printing. CONSULTANT shall be solely responsible for reimbursing any subconsultants and the CITY shall have no obligation to them.

SECTION 12 - CONSULTANT'S STATUS

It is expressly agreed that in the performance of the professional services required under this Agreement, CONSULTANT shall at all times be considered an independent CONSULTANT as defined in Labor Code Section 3353, under control of the CITY as to the result of the work but not the means by which the result is accomplished. Nothing herein shall be construed to make CONSULTANT an agent or employee of CITY while providing services under this Agreement.

SECTION 13 – SB 1383 COMPLIANCE

To the extent applicable, CONSULTANT shall comply with the requirements set forth in SB 1383 and Public Contracts Code Section 22150 for the procurement of recycled paper products. To the extent that the fitness and quality are equal, CONSULTANT shall purchase recycled products, as defined in Public Contracts Code Section 12200 instead of nonrecycled products. Upon completion of the term of this Contract, CONSULTANT shall provide records to the CITY demonstrating compliance with this section, including copies of all invoices, receipts, or other proofs of purchase that detail the procurement of paper products.

SECTION 14 - INDEMNITY

To the fullest extent permitted by law (including, without limitation, California Civil Code Sections 2782 and 2782.8), Consultant agree to defend (with legal counsel acceptable to the City), indemnify and hold harmless the City, its officers, agents, officials, representatives, employees and volunteers (collectively “Indemnitees”) from and against any and all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including, court costs, reasonable attorneys’ fees, litigation expenses and fees of expert consultants or expert

witnesses incurred in connection therewith and costs of investigation), that to the extent arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant, any Subconsultant, anyone directly or indirectly employed by them, or anyone that they control (collectively "Liabilities"). Such obligations to defend, hold harmless and indemnify any Indemnatee shall not apply to the extent that such Liabilities arise out of the sole negligence, active negligence, or willful misconduct of Indemnatee.

Acceptance by the City of the work performed under this Agreement does not operate as a release of Consultant from such professional responsibility for the work performed pursuant to this Agreement.

The duty of Consultant to indemnify and hold harmless as set forth above, shall include the duty to defend as set forth in Section 2778 of the California Civil Code, provided, however, that nothing herein shall be construed to require the Consultant to indemnify the City, its subsidiary districts, its officers, agents or employees against any responsibility for liability in contravention of Section 2782.8 of the California Civil Code. To the extent there is an obligation to indemnify under this Section, Consultant shall be responsible for damages to the extent caused by Consultant's negligence, recklessness, or willful misconduct.

Consultant and its sureties expressly and specifically agree to waive any and all subrogation rights it may have against the City, its subsidiary districts, officers or employees. Indemnification and waiver of subrogation contained in this section shall remain operative and in full force and effect regardless of any termination of this Agreement.

SECTION 15 - INSURANCE

CONSULTANT shall procure and maintain for the duration of the contract and three years thereafter (five years for building or major improvements) insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the CONSULTANT, his agents, representatives, employees or subcontractors.

MINIMUM SCOPE OF INSURANCE

Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office (ISO) Form CG 00 01 12 07 covering CGL on an "occurrence" basis, including products-completed operations, personal & advertising injury, with limits no less than **\$2,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** ISO Form Number CA 00 01 covering any auto (Code 1), or if CONSULTANT has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than **\$1,000,000** per accident for bodily injury and property damage.

3. **Workers' Compensation:** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease.
4. **Professional Liability (Errors and Omissions):** Insurance appropriate to the CONSULTANT's profession, with limit no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.

If the CONSULTANT maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the CONSULTANT.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status

The City, its elected and appointed officials, employees, and agents are to be covered as insureds on the auto policy for liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the CONSULTANT; and on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the CONSULTANT including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the CONSULTANT's insurance (at least as broad as ISO Form CG 20 10, 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used).

Primary Coverage

For any claims related to this contract, the **CONSULTANT's insurance coverage shall be primary** insurance as respects the City, its elected and appointed officials, employees, and agents. Any insurance or self-insurance maintained by the City, its elected and appointed officials, employees, or agents shall be excess of the CONSULTANT's insurance and shall not contribute with it.

Notice of Cancellation

Each insurance policy required above shall provide that **coverage shall not be canceled, except after thirty (30) days' prior written notice** (10 days for non-payment) has been given to the City.

Waiver of Subrogation

CONSULTANT hereby grants to City a waiver of any right to subrogation which any insurer of said CONSULTANT may acquire against the City by virtue of the payment of any loss under such insurance. CONSULTANT agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. The City may require the CONSULTANT to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Claims Made Policies (note – should be applicable only to professional liability, see below)

If any of the required policies provide claims-made coverage:

1. The Retroactive Date must be shown, and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided ***for at least five (5) years after completion of the contract of work.***
3. If coverage is canceled or non-renewed, and not replaced ***with another claims-made policy form with a Retroactive Date prior to*** the contract effective date, the CONSULTANT must purchase "extended reporting" coverage for a minimum of ***five (5) years after completion of work.***

Verification of Coverage

CONSULTANT shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the CONSULTANT's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

SECTION 16 - NONASSIGNABILITY

Both parties hereto recognize that this Agreement is for the personal services of CONSULTANT and cannot be transferred, assigned, or subcontracted by CONSULTANT without the prior written consent of CITY.

**SECTION 17- RELIANCE UPON PROFESSIONAL
SKILL OF CONSULTANT**

It is mutually understood and agreed by and between the parties hereto that CONSULTANT is skilled in the professional calling necessary to perform the work agreed to be done under this Agreement and that CITY relies upon the skill of CONSULTANT to do and perform the work in accordance with the standard of care exercised under similar circumstances, by reputable members of its profession in the same locality at the time services are provided , and CONSULTANT agrees to thus perform the work. The acceptance of CONSULTANT's work by CITY does not operate as a release of CONSULTANT from said obligation.

SECTION 18 - WAIVERS

The waiver by either party of any breach or violation of any term, covenant, or condition of this Agreement or of any provisions of any ordinance or law shall not be deemed to be a waiver of

such term, covenant, condition, ordinance or law or of any subsequent breach or violation of the same or of any other term, covenant, condition, ordinance or law or of any subsequent breach or violation of the same or of any other term, condition, ordinance, or law. The subsequent acceptance by either party of any fee or other money which may become due hereunder shall not be deemed to be a waiver of any preceding breach or violation by the other party of any term, covenant, or condition of this Agreement or of any applicable law or ordinance.

SECTION 19 – SEVERABILITY

If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

SECTION 20 - COSTS AND ATTORNEY FEES

Attorney fees in total amount not exceeding \$5000, shall be recoverable as costs (by the filing of a cost bill) by the prevailing party in any action or actions to enforce the provisions of this Agreement. The above \$5000 limit is the total of attorney fees recoverable whether in the trial court, appellate court, or otherwise, and regardless of the number of attorneys, trials, appeals, or actions. It is the intent of this Agreement that neither party shall have to pay the other more than \$5000 for attorney fees arising out of an action, or actions to enforce the provisions of this Agreement.

SECTION 21 - NON-DISCRIMINATION

CONSULTANT warrants that it is an Equal Opportunity Employer and shall comply with applicable regulations governing equal employment opportunity. Neither CONSULTANT nor any of its subconsultants shall discriminate in the employment of any person because of race, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment and Housing Act.

SECTION 22 - MEDIATION

Should any dispute arise out of this Agreement, any party may request that it be submitted to mediation. The parties shall meet in mediation within 30 days of a request. The mediator shall be agreed to by the mediating parties; in the absence of an agreement, the parties shall each submit one name from mediators listed by either the American Arbitration Association, the State Mediation and Conciliation Service, or other agreed-upon service. The mediator shall be selected by a blind draw.

The cost of mediation shall be borne equally by the parties. Neither party shall be deemed the prevailing party. No party shall be permitted to file a legal action without first meeting in mediation and making a good faith attempt to reach a mediated settlement. The mediation process, once commenced by a meeting with the mediator, shall last until agreement is reached by the parties but not more than 60 days, unless the maximum time is extended by the parties.

SECTION 23 - LITIGATION

CONSULTANT shall testify at CITY'S request if litigation is brought against CITY in connection with CONSULTANT'S services under this Agreement. Unless the action is brought by CONSULTANT, or is based upon CONSULTANT'S wrongdoing, CITY shall compensate CONSULTANT for preparation for testimony, testimony, and travel at CONSULTANT'S standard hourly rates at the time of actual testimony.

SECTION 24 - NOTICES

All notices hereunder shall be given in writing and mailed, postage prepaid, addressed as follows:

To CITY: Shirley Chan
City of Daly City
333 - 90th Street
Daly City, CA 94015

To CONSULTANT: Shawn Rainey
Kimley-Horn and Associates, Inc.
1300 Clay Street, Suite 325
Oakland, CA 94612

SECTION 25 - AGREEMENT CONTAINS ALL UNDERSTANDINGS; AMENDMENT

This document represents the entire and integrated agreement between CITY and CONSULTANT and supersedes all prior negotiations, representations, and agreements, either written or oral.

This document may be amended only by written instrument, signed by both CITY and CONSULTANT.

SECTION 26 – AUTHORITY TO ENTER INTO AGREEMENT

CONSULTANT has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party.

SECTION 27 - GOVERNING LAW AND VENUE

This Agreement shall be governed by the laws of the State of California and, in the event of litigation, venue will be in the County of San Mateo.

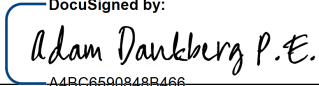
IN WITNESS WHEREOF, CITY and CONSULTANT have executed this Agreement the day and year first above written.

CITY OF DALY CITY

CONSULTANT

KIMLEY-HORN AND ASSOCIATES, INC.

Thomas Piccolotti
City Manager

DocuSigned by:
 (CA70598)
A4BC6690848B466...
Adam Dankberg, P.E.
Vice President

APPROVED AS TO FORM

Rose Zimmerman
City Attorney

STREETLIGHT CONVERSION



Scope of Services

TASK 1 – PROJECT MANAGEMENT AND COORDINATION

Kimley-Horn will participate in a kick-off meeting with the City of Daly City to review the goals, scope of services, existing information, and approach to the street light design. Kimley-Horn will develop the preliminary project schedule, the kick-off meeting agenda and minutes, and list of coordination items to be discussed at the meeting. In addition, Kimley-Horn has planned to attend 3 design review meetings (as discussed in subsequent tasks). It is assumed that all meetings will be held remotely.

Kimley-Horn will provide general project management, management of project staff, quality control, and project accounting. Monthly project status calls (up to 12) between the City and Kimley-Horn will be conducted to discuss progress and provide an updated schedule of work. Monthly progress reports will be prepared and submitted along with our monthly invoicing.

This task assumes that the project duration is 12 months.

DELIVERABLES

- Meeting agendas and minutes (up to 16 meetings total)
- Schedule of work – updated monthly
- Monthly progress reports and invoices

TASK 2 – EXISTING CONDITIONS AND PRELIMINARY DESIGN

TASK 2.1 – DATA COLLECTION AND EXISTING CONDITIONS ANALYSIS

This task will entail information gathering and document review of the project area. Kimley-Horn will conduct an evaluation of the infrastructure within the project area. To aid in the evaluation and design tasks of this project, Kimley-Horn will request the following materials from the City of Daly City:

- Existing electrical and streetlight as-builts
- Existing one line diagram
- Utility information of City-owned facilities
- Up-to-date contact list (phone number, email, and address, as available) of utility companies operating within Daly City
- Right-of-way maps

Kimley-Horn will submit utility request letters to utility companies with potential facilities in the project vicinity. These utilities will typically consist of PG&E, television, cable, and municipal utilities such as water, storm drain, and sanitary sewer. It is assumed that the City will provide a list of contact information for utility company representatives within the project area.

RD 256

STREETLIGHT CONVERSION

Schedule



STREETLIGHT CONVERSION

After the review of City-provided documentation, Kimley-Horn will conduct a daytime field review of the project area to check the existing electrical, streetlight, and utility infrastructure information provided by the City and record observed discrepancies. During the field review, Kimley-Horn will confirm existing street lighting information including light type (e.g. pedestrian post top, Caltrans standard luminaire), luminaire type (e.g. LED, HPS), nearby obstructions to lighting (e.g. trees), proximity to pedestrian paths and roadways, and pedestrian traffic patterns.

In addition, Kimley-Horn will review the current electrical supply information to determine opportunities or constraints based on the existing conditions. The location and condition of conduits, conductors, pull boxes, and service enclosures will also be evaluated and documented.

TASK 2.2 – PRELIMINARY DESIGN

Upon completion of the data collection and field review, Kimley-Horn will prepare a conceptual design to show proposed streetlight locations. It is expected that existing conduits and pull boxes will be reused as possible but designing a system that is consistent with other City lighting systems will be the top priority. A preliminary cost estimate will be developed for the improvements recommended in the conceptual design. A technical memorandum will be prepared to summarize the existing site conditions, a conceptual design, electrical calculations for the revised parallel circuits, and a preliminary cost estimate.

DELIVERABLES

- Technical memo summarizing existing conditions and proposed improvements
- Preliminary design exhibits showing electrical calculations
- Preliminary cost estimate

TASK 3 – PG&E COORDINATION

Upon completion of the preliminary lighting design, Kimley-Horn will submit an electrical service application(s) for the new street lighting and the removal of the existing RO. Although coordination with PG&E will be ongoing throughout the project, it is important to get the coordination effort started early to provide PG&E the greatest amount of time to complete their engineering and design. It is assumed all PG&E application and engineering fees will be paid directly by the City.

DELIVERABLES

- PG&E Service Application

TASK 4 – CONSTRUCTION DOCUMENTS AND CONSTRUCTION SUPPORT

TASK 4.1 – PREPARE 65% PLANS, SPECIFICATIONS, AND ESTIMATES

Upon completion of the preliminary lighting design review by the City, and receipt of one non-conflicting set of comments from the City, Kimley-Horn will meet with the City to discuss the preliminary design comments (effort for meeting is included in Task 1). A comment resolution matrix will be prepared summarizing comments received on the preliminary lighting documents, along with the resolution for each comment. This matrix will be submitted with the 65% PS&E documents.

STREETLIGHT CONVERSION

We anticipate developing the following plan sheets:

- Cover sheet with vicinity map and location map (1 sheet)
- General notes, legend, and abbreviations (1 sheet)
- Proposed lighting and electrical plan (6 sheets)
- Electrical details (2 sheets)

The engineer's opinion of probable cost will be developed based on other similar project construction costs and bid results from the area.

The 65% technical specifications will be developed using the specifications developed during the RO 572 project.

DELIVERABLES

- 65% plans in PDF format
- 65% opinion of probably construction costs in Microsoft Excel format
- 65% technical specifications in Microsoft Word format
- Preliminary design comment resolution matrix in Microsoft Excel format

TASK 4.2 – PREPARE 95% PLANS, SPECIFICATIONS, AND ESTIMATES

Upon completion of the 65% design review by the City, and receipt of one non-conflicting set of comments from the City, Kimley-Horn will organize a design review meeting (effort for meeting is included in Task 1) to discuss comments on the 65% design. Based on City comments and direction, Kimley-Horn will advance the PS&E documents to a 95% design level. A comment resolution matrix will be prepared summarizing comments received on the 65% PS&E documents, along with the resolution for each comment. This matrix will be submitted with the 95% PS&E documents.

DELIVERABLES

- 95% plans in PDF format
- 95% opinion of probably construction costs in Microsoft Excel format
- 95% technical specifications in Microsoft Word format
- 65% comment resolution matrix in Microsoft Excel format

TASK 4.3 – PREPARE 100% PLANS, SPECIFICATIONS, AND ESTIMATES

Upon completion of the 95% design review by the City, Kimley-Horn will organize a design review meeting (effort for meeting is included in Task 1) to discuss comments on the design. A comment resolution matrix will be prepared summarizing comments received on the 95% PS&E documents, along with the resolution for each comment. This matrix will be submitted with the 100% PS&E documents.

It is assumed that comments at this stage will be editorial in nature and any design changes at this point will be treated as additional services.

STREETLIGHT CONVERSION

The 100% plans and specifications will be signed and sealed by the State of California registered engineer responsible for the development of the documents.

DELIVERABLES

- 100% plans half-sized, wet signed hardcopy
- 100% plans in PDF format
- 100% opinion of probable construction costs in Microsoft Excel format
- 100% technical specifications in Microsoft Word format
- 95% comment resolution matrix in Microsoft Excel format

TASK 4.4 – BIDDING SUPPORT SERVICES

Kimley-Horn will provide design support services on an as-needed basis during bidding to the extent budgeted. Possible services include the following:

- Review and response to questions submitted by potential bidders
- Provide addenda to the construction documents (if necessary)

The total amount of effort budgeted for bidding support is 34 hours.

DELIVERABLES

- Contract addenda and responses to bidder questions (if necessary)

TASK 4.5 – CONSTRUCTION SUPPORT

As an optional task, Kimley-Horn will provide design support during construction on an as-needed basis to the extent budgeted. Possible services include the following:

- Participate in pre-construction and field meetings to clarify design intent of construction documents
- Review Contractor submittals
- Review change order requests and requests for substitutions
- Respond to City and Contractor RFIs regarding construction documents
- Develop punch list
- Prepare as-builts based on Contractor/Inspector redlines

The total amount of effort budgeted for design support during construction is 50 hours.

CITY OF DALY CITY
RO 256 Streetlight Conversion

Category/Title Billing Rate		Kimley-Horn and Associates, Inc.						Total Hours	Total Cost
		Principal Engineer	Sr. Professional II	Sr. Professional I	Professional	Analyst	Project Support		
		\$330.00	\$300.00	\$240.00	\$190.00	\$150.00	\$145.00		
Task 1	PROJECT MANAGEMENT AND COORDINATION	0	5	35	30	0	12	82	\$ 17,340.00
	Project Management and Administration			12	12		12	36	\$ 6,900.00
	Kick-Off Meeting		2	2				4	\$ 1,080.00
	Project Progress Meetings (12)			18	18			36	\$ 7,740.00
	Design Review Meetings (3)		3	3				6	\$ 1,620.00
Task 2	EXISTING CONDITIONS AND PRELIMINARY DESIGN	4	2	14	58	84	0	162	\$ 28,900.00
2.1	Data Collection and Existing Conditions Analysis								
	Data Collection				4	4		8	\$ 1,360.00
	Field Review			4	22	22		48	\$ 8,440.00
	Preliminary Basemapping				12	18		30	\$ 4,980.00
	Preliminary Lighting Analysis			0	0	0		0	\$ -
2.2	Preliminary Design								
	Preliminary Design Plans and Estimate	4		8	16	40		68	\$ 12,280.00
	Technical Memo		2	2	4			8	\$ 1,840.00
Task 3	PG&E COORDINATION	0	2	8	10	2	0	22	\$ 4,720.00
	PG&E Service Application				2	2		4	\$ 680.00
	Ongoing PG&E Coordination		2	8	8			18	\$ 4,040.00
Task 4	CONSTRUCTION DOCUMENTS AND CONSTRUCTION SUPPORT	8	18	46	104	188	6	370	\$ 67,910.00
4.1	Prepare 65% PS&E	2	6	12	30	60	2	112	\$ 20,330.00
4.2	Prepare 95% PS&E	4	4	14	34	60	2	118	\$ 21,630.00
4.3	Prepare 100% PS&E	2	4	6	14	28	2	56	\$ 10,450.00
4.4	Bid Support Services	0	2	2	8	22		34	\$ 5,900.00
4.4	Construction Support Services		2	12	18	18		50	\$ 9,600.00
	TOTAL HOURS	12	27	103	202	274	18	636	
	Subtotal Labor:	\$ 3,960.00	\$ 8,100.00	\$ 24,720.00	\$ 38,380.00	\$ 41,100.00	\$ 2,610.00		\$ 118,870.00
	Other Direct Costs								\$ 3,431.75
	Labor Escalation								\$ 2,731.75
	Reimbursable Expenses								\$ 700.00
	TOTAL COST:								\$ 122,301.75



City Council Meeting Agenda Report

Item #

Meeting Date: February 13, 2023

SUBJECT: AMENDING RESOLUTION RE: DESIGNATED EMPLOYEES

Recommended Action

Staff recommends amending Resolution No. 20-146 to consolidate, change, delete or add position titles that have been designated by the City as having possible Conflict of Interest.

Background

The Fair Political Practices Commission (FPPC) requires the City Council to perform a biennial review of position titles on the employment roster to make changes, additions or deletions to the list of employees who have been designated by the City as possibly having a Conflict of Interest.

Discussion

Exhibit "A" lists the position titles in bold that were changed, added, deleted or consolidated since September 28, 2020, when Resolution No. 20-146 was adopted.

Fiscal Impact

There is no fiscal impact.

Summary/Conclusion

In order to comply with the Rules and Regulations of the Fair Political Practices Commission, Staff recommends amending Resolution No. 20-146 to consolidate, change, delete or add position titles that have been designated by the City as having possible Conflict of Interest.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

K. Annette Hipona

K. Annette Hipona
City Clerk

Attachment

EXHIBIT A

DESIGNATED EMPLOYEES CONFLICT OF INTEREST FORM 700

- 1) CITY MANAGERS'S OFFICE:
 - A) ASSISTANT CITY MANAGER
 - B) ASSISTANT TO THE CITY MANAGER
 - C) SENIOR MANAGEMENT ANALYST
- 2) CITY CLERK'S OFFICE:
 - A) CITY CLERK
 - B) ASSISTANT CITY CLERK
- 3) CITY ATTORNEY'S OFFICE:
 - A) ASSISTANT CITY ATTORNEY
 - B) MANAGEMENT ANALYST
- 4) DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT:
 - A) DIRECTOR OF ECD
 - B) PLANNING MANAGER
 - C) SENIOR PLANNER
 - D) ASSOCIATE PLANNER
 - E) ASSISTANT PLANNER
 - F) CHIEF BUILDING SUPERVISOR/BUILDING OFFICIAL
 - G) SENIOR BUILDING INSPECTOR:
 - H) BUILDING INSPECTORS
 - I) BUILDING PLANS ENGINEER
 - J) HOUSING & COMM. DEV. MANAGER
 - K) COMMUNITY DEVELOPMENT SPECIALIST
 - L) HOUSING COORDINATOR
 - M) CODE ENFORCEMENT OFFICER
 - N) CODE ENFORCEMENT INSPECTOR
 - O) **SENIOR** MANAGEMENT ANALYST
 - P) **ECONOMIC DEVELOPMENT SPECIALIST**
- 5) DEPARTMENT OF PUBLIC WORKS:
 - A) DIRECTOR OF PUBLIC WORKS
 - B) ASST. DIRECTOR OF PUBLIC WORKS/CITY ENGINEER
 - C) SENIOR CIVIL ENGINEER
 - D) CIVIL ENGINEERING ASSOCIATE
 - E) PUBLIC WORKS MAINTENANCE SUPERVISOR
 - F) PUBLIC WORKS INSPECTOR
 - G) SENIOR MANAGEMENT ANALYST
 - J) ASSISTANT TO THE DIRECTOR OF PUBLIC WORKS

FINANCE DEPARTMENT:

- A) DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES
- B) DEPUTY DIRECTOR OF FINANCE AND ADMINISTRATIVE SERVICES
- C) INFORMATION SERVICES MANAGER
- D) NETWORK ADMINISTRATOR
- E) SENIOR NETWORK ADMINISTRATOR
- F) MANAGEMENT ANALYST
- G) APPLICATIONS ANALYST II**
- H) SENIOR APPLICATIONS ANALYST**
- I) APPLICATIONS SUPPORT ANALYST**

6) LIBRARY & RECREATION SERVICES

- A) DIRECTOR OF LIBRARY AND RECREATION SERVICES
- B) LIBRARY SERVICES MANAGER
- C) RECREATION SERVICES MANAGER
- D) ASSISTANT SENIOR SERVICES SUPERVISOR
- E) SENIOR RECREATION SERVICES SUPERVISOR

7) POLICE DEPARTMENT:

- A) CHIEF OF POLICE
- B) POLICE CAPTAIN
- C) POLICE MANAGEMENT ANALYST
- D) POLICE INFORMATION AND ANALYSIS SUPERVISOR
- E) POLICE PROPERTY ROOM MANAGER
- F) CRIME ANALYST

8) FIRE DEPARTMENT:

- A) FIRE CHIEF
- B) DEPUTY FIRE CHIEF
- C) SAFETY INSPECTORS

9) DEPARTMENT OF HUMAN RESOURCES:

- A) DIRECTOR OF HUMAN RESOURCES
- B) HUMAN RESOURCES ANALYST
- C) SENIOR MANAGEMENT ANALYST

10) WATER AND WASTEWATER RESOURCES DEPARTMENT:

- A) DIRECTOR OF WATER & WASTEWATER RESOURCES
- B) ASSISTANT DIRECTOR OF WATER & WASTEWATER RESOURCES**
- C) CHIEF OF OPERATIONS
- D) COLLECTION SYSTEM MANAGER
- E) PLANT & EQUIPMENT MAINTENANCE MANAGER
- F) SAFETY AND TRAINING COMPLIANCE OFFICER
- G) SENIOR MANAGEMENT ANALYST
- H) DISTRIBUTION SYSTEM MANAGER
- I) WATER & WASTEWATER GIS ANALYST**

OTHER CLASSES:

- A) ALL MANAGEMENT ANALYSTS -

CONSULTANTS

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Resolution Nos. 20-146, 18-134, 16-126, 14-161, 10-139, 08-177, 06-242, 05-150, 04-121, 02-245, 00-265, 99-331, 98-256, 97-25, 95-35, 94-82, 92-230, 90-34, 88-61, 88-39, 84-58, 83-129, 80-199, 80-182,



City Council Meeting Agenda Report

Item # _____

Meeting Date: February 13, 2023

Subject: Requesting Use of Federal Asset Forfeiture Funds to Purchase Vehicle Immobilization Devices for the Police Department

Recommended Action

Staff recommends Council approve the use of Federal Asset Forfeiture Funds to purchase vehicle immobilization devices for the Police Department.

Background

Police Departments have modified police apprehension and pursuit tactics over the years to ensure the safety of the community and those involved, which in turn has led to vehicles fleeing on a more frequent basis. The use of vehicle immobilization devices is an option being used more frequently with success for slowing or stopping fleeing vehicles.

Discussion

Police apprehension and pursuit tactics have been modified to increase safety. As a result, vehicles involved in crimes are frequently fleeing at high rates of speed, knowing police agencies will be inclined to discontinue the pursuit out of concern for the safety of the community. Vehicle immobilization devices are becoming more common amongst urban agencies and are proving an effective tool and solution to the increasing trend of fleeing vehicles. Vehicle immobilization devices will require training, supervisor approval and will be restricted for deployment through policy. Current vehicle immobilization devices are designed to quickly deflate tires in a controlled manner to significantly reduce speeds of fleeing vehicles and result in increased apprehension. Staff evaluated and selected the Stinger Spike System to best meet our needs. We plan to purchase 15.5' expandable models for controlled and coordinated use across a roadway, and small single tire deflating devices that can be deployed by an officer on a preplanned operation or during contact prior to a vehicle fleeing.

Fiscal Impact

Funding is available using Federal Asset Forfeiture Funds. The one-time purchase cost for the Stinger Spike Systems noted is not to exceed \$6,000.

Summary/Conclusion

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

Cameron Christensen
Acting Chief of Police



City Council Meeting Agenda Report

Item # _____

Meeting Date: February 13, 2023

Subject: Requesting Use of Federal Asset Forfeiture Funds to Purchase Replacement Firearms for the Police Department

Recommended Action

Staff recommends Council approve the use of Federal Asset Forfeiture Funds to purchase 35 replacement firearms (patrol rifles) for the Police Department.

Background

The Police Department assigns patrol rifle firearms to specialized units and all patrol cars for use during critical incidents. Firearms are mechanical items that wear out through years of training and transportation, becoming less reliable, regardless of maintenance or repairs. Our current rifles are 12 years old, surpassing manufacturer recommendations of 10 years, and need replacement.

Discussion

The patrol rifle is a common firearm in use by police departments. The rifle provides better effectiveness and long-range accuracy, which can be paramount to addressing active threat situations during critical incidents. The Police Department has deployed patrol rifles to specialized units and patrol vehicles for decades. Our rifles have exceeded manufactures service life and we are experiencing malfunctions and reliability issues with some of our rifles during training. Staff evaluated replacement options and selected the new version of the commonly deployed Colt M4, which is the same rifle manufacturer currently in use by our department. We are planning to purchase 35 patrol rifles to replace the rifles in our patrol fleet (30 vehicles), and to have a few extras for repair and maintenance needs.

While not required to be disclosed through Assembly Bill 481 (Govt. Code 7070-7075), our department has elected to include patrol rifles in our Military Equipment Use policy, which includes reporting and requires Council approval for purchase of applicable equipment.

Fiscal Impact

Funding is available using Federal Asset Forfeiture Funds. The one-time purchase cost for replacement patrol rifles is not to exceed \$30,000 in forfeiture funds.

Summary/Conclusion

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

Cameron Christensen
Acting Chief of Police



City Council Agenda Report

Item # _____

Meeting Date: November 13, 2023

Subject: 2022 Mandated Fire and Life Safety Inspection Report

Recommended Action

Receive 2022 mandated fire and life safety inspections compliance report and move to adopt resolution acknowledging receipt of the North County Fire Authority's mandated fire and life safety inspections performed within the City of Daly City pursuant to Sections 13146.2 and 13146.3 of the Health and Safety Code.

Background

California Health & Safety Code Section 13146.4 requires all fire departments, including the North County Fire Authority, that provide fire protection services report annually to its administering authority (the City of Pacifica) on its compliance with Sections 13146.2 and 13146.3.

Discussion

The North County Fire Authority performs annual inspections in every building used as a public or private school, hotel, motel, lodging house, apartment house, and certain residential care facilities. Requesting the City Council of the City of Daly City acknowledge fulfillment of the requirements of the in compliance with Health and Safety Code Sections 13146.2 and 13146.3 the North County Fire Authority reports the following relating to those inspections:

A. EDUCATIONAL GROUP E OCCUPANCIES: Total 22

Educational Group E occupancies are generally those public and private schools, used by more than six persons at any one time for educational purposes through the 12th grade.

During calendar year 2022, the North County Fire Authority inspected 22 Group E occupancies, buildings, structures and/or facilities. This is a compliance rate of 100% for this reporting period; and

B. RESIDENTIAL GROUP R OCCUPANCIES: Total 701

Residential Group R occupancies are generally those occupancies containing sleeping units, and include hotels, motels, apartments (three units or more), etc. as well as other residential occupancies, including those designated as residential care facilities. These residential care facilities have several different sub-classifications, and they may contain residents or clients that have a range of needs, including those related to custodial care, mobility impairments, cognitive disabilities, etc. The residents may also be non-ambulatory or bedridden. During calendar year 2022, the North County Fire Authority inspected 701 Group R occupancies, buildings, structures and/or facilities. This is a compliance rate of 100% for this reporting period.

City Council Agenda Report

Subject:

Meeting Date:

Page 2 of 2

Fiscal Impact

None

Summary/Conclusion

Requesting the City Council of the City of Daly City acknowledge receipt of the report by the North County Fire Authority under the requirements of the California Health & Safety Code in compliance with California Health and Sections 13146.2 and 13146.3.

Staff is available to provide any additional information desired by the Mayor or City Council Members.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be "Ron. D. Myers", written over a light blue circular stamp or watermark.

Ron. D. Myers
Fire Chief



City Council Agenda Report

Item # _____

Meeting Date: February 13, 2023

Subject: Public Hearing on Removal of Commercial Vehicle Parking on the East Side of Bayshore Boulevard

Recommended Action

Staff recommends that the City Council:

1. Hold a public hearing; and
2. Approve a resolution to revise the Commercial Vehicle Parking Zone, removing the 800 ft. Commercial Vehicle Parking on the east side of Bayshore Boulevard.

Background

City Council, at its meeting of January 9, 2023, set February 13, 2023 as the date for a public hearing regarding the removal of the Commercial Vehicle Permit Parking on the east side of Bayshore Boulevard. The Notices of Public Hearing were published in the newspaper, on the City's Web Site, and were mailed directly to all commercial vehicle parking program permit holders.

Discussion

Resolution 15-43 designated 965-ft. No Parking Zone along the east side of Bayshore Boulevard, north of Geneva Avenue, replacing the existing 800-ft. commercial vehicle parking zone that was previously established. The No Parking Zone was needed to prevent overflow parking from the San Francisco Municipal Transportation Agency's auto return site at 2650 Bayshore Boulevard.

Fiscal Impact

There is no fiscal impact associated with this recommendation.

Summary/Conclusion

Staff recommends that the City Council:

1. Hold a public hearing; and
2. Approve a resolution to revise the Commercial Vehicle Parking Zone, removing the 800 ft. Commercial Vehicle Parking on the east side of Bayshore Boulevard.

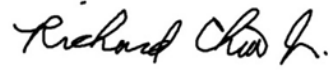
Staff is available to provide any additional information desired by the Mayor or City Council members.

**Public Hearing on Removal of Commercial Vehicle
Parking on the East Side of Bayshore Boulevard
Meeting Date: February 13, 2023
Page 2 of 2**

Respectfully submitted,



Shirley Chan
Senior Civil Engineer



Richard Chiu, Jr.
Director of Public Works



Cameron Christensen
Acting Chief of Police

Attachment:

1. Commercial Vehicle Parking Zone 1 Map

-  **COMMERCIAL VEHICLE PARKING ZONE**
-  **COMMERCIAL VEHICLE PARKING ZONE TO BE REMOVED**

**REMOVE COMMERCIAL VEHICLE PARKING ZONE
ON BAYSHORE BLVD, NORTH OF GENEVA AVE
(800 ± FT)**

**EXISTING COMMERCIAL VEHICLE PARKING ZONE
ON EASTBOUND GENEVA AVE FROM BEGINING
200 FT WEST OF TALBERT ST TO REMAIN
(300 ± FT)**

MACDONALD AVE.

TALBERT ST.

GENEVA AVE.

driveway

BAYSHORE BLVD.

800± FT

300± FT

COMMERCIAL VEHICLE PARKING ZONE I - BAYSHORE AREA



City Council Meeting Agenda Report

Item # _____

Meeting Date: February 13, 2023

Subject: Introduce Ordinance Amending the Daly City Municipal Code Re: Commissioner and Board Member Compensation

Recommended Action

Conduct Public Hearing and introduce an Ordinance to amend Daly City Municipal Code Chapters 2.16, 2.20, 2.38, 2.26, 2.52 and 2.48 and Adding Chapter 2.60 to the Daly City Municipal Code regarding Commissioner and Board Member compensation.

Discussion

The City currently has the following Commissions and Boards: (1) Arts and Cultural Commission; (2) Planning Commission; (3) Recreation Commission; (4) Library Board of Trustees; (5) Personnel Board; (6) Mobile Home Rent Review Commission; and (7) Small Business Commission. Commissioners and Board Members serve at the pleasure of the City Council and do not collect compensation for attendance at meetings. The City Council desires to establish compensation to be paid to each current Commissioner and Board Member for the attendance of a meeting, as defined by the Brown Act. The City Council shall set by resolution an amount to be paid to each Commissioner and Board Member for such attendance.

In order to authorize the City Council to establish such compensation by resolution, it is necessary to amend the Municipal Code sections that specifically state that no compensation shall be paid to compensation. This ordinance will revise the Code to remove the restriction on receiving compensation for Arts and Cultural Commissioners, Recreation Commissioners, Library Board of Trustees, Personnel Board, Mobile Home Rent Review Commissioners, and Small Business Commissioners. The Municipal Codes does not have a restriction on receiving compensation for Planning Commissioners, so no revisions are required.

This ordinance would also add Chapter 2.60 to the Municipal Code to authorize the City Council to set by resolution compensation to be paid to each current Commissioner and Board Member. Upon adoption of the ordinance, staff would request a resolution be adopted by the City Council to establish the amount of compensation.

Summary/Conclusion

Staff recommends that the City Council introduce an ordinance to amending Chapter of Title 2 of the Municipal Code and adding Chapter 2.60 to Title 2 of the Municipal Code.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

Rose Zimmerman
City Attorney

Attachment – Draft Ordinances

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY
AMENDING CHAPTERS 2.16, 2.20, 2.26, 2.38, 2.52 AND 2.58 OF THE DALY CITY
MUNICIPAL CODE AND ADDING CHAPTER 2.60 TO THE DALY CITY MUNICIPAL
CODE RE: COMMISSIONERS AND BOARDMEMBERS COMPENSATION

The City Council of the City of Daly City, DOES ORDAIN as follows:

SECTION 1. Title 2, “Administration and Personnel” of the Daly City Municipal Code is hereafter amended to read as follows:

SECTION 2. Section 2.16.010 of Chapter 2.16 of the Daly City Municipal Code is hereby amended in its entirety to read as follows:

2.16.010 Creation-Members-Term-Vacancy.

An arts and culture commission is created and shall consist of five members who shall be appointed by the city council and serve at the council's pleasure, none of whom shall hold any paid office or employment in the city government. Members shall be qualified electors of the city and shall serve for a term of four years. The four-year terms of the commission members shall be staggered. In order to achieve staggered terms, two of the members first appointed to the commission shall be assigned by lot a term for two years and the remaining commission members shall be assigned by lot a term for four years. All members must remain residents of the city while serving on the arts and culture commission. Any vacancy occurring other than by expiration of a term of office shall be filled by city council appointment for the unexpired portion of the term.

SECTION 3. Section 2.20.020 of Chapter 2.20 is hereby amended to read as follows:

2.020.020 Membership-Appointment

The city recreation commission shall consist of five members, to be appointed by the mayor, subject to the confirmation of the city council

SECTION 4. Section 2.26.030 of Chapter 2.26 is hereby amended to read as follows:

2.26.030 Membership- Appointment

The city library board of trustees shall consist of five members, to be appointed by the mayor, subject to the confirmation of the city council.

SECTION 5. Section 2.38.130 of Chapter 2.38 is hereby amended to read as follows:

2.38.130 Membership- Appointment

In the event a personnel board is created pursuant to Section 2.38,120, it shall consist of five members to be appointed by the city council. No person shall be appointed to such board who holds any salaried public office or employment. The members of the personnel board shall be qualified electors of the city.

SECTION 6. Section 2.52.030(G) of Chapter 2.52 is hereby deleted in its entirety. (mobile home commission)

SECTION 7. Section 2.58.030 of Chapter 2.58 is hereby amended to read as follows:

2.58.030 Membership-Term-Expenses (small business commission)

Each commission member shall serve for a term of four years. The four-year terms of the commission members shall be staggered. In order to achieve staggered terms, two of the members first appointed to the commission shall be assigned by lot a term for two years and the remaining commission members shall be assigned by lot a term for four years.

Any actual and necessary expenses incurred by a commission member in the performance of their duties on the commission may be reimbursed if funds are available in the budget approved by the city council and the individual expenses are approved by the city manager or designee.

SECTION 8. Chapter 2.60 is hereby added to Title 2 of the Daly City Municipal Code to read as follows:

CHAPTER 2.60 – COMMISSIONS AND BOARD COMPENSATION

Section 2.60.010 Commissioners and Board Members Compensation

The City Council shall set by resolution compensation to be paid to each current Commissioner and Board Member of the City created Commissions and Boards.

SECTION 9. **Environmental Determination.** The City Council of the City of Daly City finds and determines that the implementation of measures described in this Chapter is in furtherance police powers of the City of Daly City, and that these purposes are exempt from the provisions of the California Environmental Quality Act (CEQA); Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, as provided in categorical exemption Classes 1, 4, 5, 7, 8, 9, and or 21 of the CEQA Guidelines (Title 14, *California Code of Regulations*, Sections 15301-15329).

SECTION 10. **Severability:** If any section, subsection or sentence of this Ordinance is found by a court of competent jurisdiction to be invalid or unlawful, the City Council finds and declares that the remainder of this ordinance would be and is enforceable and would have been adopted notwithstanding the finding of invalidity as to any section, subsection or sentence.

SECTION 10. **Summary Publication:** Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's office a certified

copy of the full text of this Ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This Ordinance shall become effective thirty (30) days from and after its adoption

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY
AMENDING CHAPTERS 2.16, 2.20, 2.26, 2.52 AND 2.58 OF THE DALY CITY
MUNICIPAL CODE AND ADDING CHAPTER 2.60 TO THE DALY CITY MUNICIPAL
CODE RE: COMMISSIONERS AND BOARDMEMBERS COMPENSATION

Introduced this _____ day of _____, 2023.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the
City Council of the City of Daly City held on the _____ day of _____, 2023,
by the following vote:

AYES, Councilmembers: _____

NOES, Councilmembers: _____

ABSENT, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY



City Council Meeting Agenda Report

Item # ____

Meeting Date: February 13, 2023

Subject: Resolution Setting Compensation for Commissioners and Board Members

Recommended Action

It is recommended that the City Council adopt a resolution setting compensation for Commissioners and Board Members.

Background/Discussion

The City currently has the following Commissions and Boards: (1) Arts and Cultural Commission; (2) Planning Commission; (3) Recreation Commission; (4) Library Board of Trustees; (5) Personnel Board; (6) Mobile Home Rent Review Commission; and (7) Small Business Commission. Commissioners and Board Members serve at the pleasure of the City Council and do not collect compensation for attendance at meetings. The City Council desires to establish compensation to be paid to each current Commissioner and Board Member for the attendance of a meeting, as defined by the Brown Act.

At the February 13, 2023 City Council meeting, staff is recommending that the City Council introduce an ordinance amending the Daly City Municipal Code re: Commissioner and Board Member compensation to remove the restriction on receiving compensation for Arts and Cultural Commissioners, Recreation Commissioners, Library Board of Trustees, Personnel Board, Mobile Home Rent Review Commissioners, and Small Business Commissioners. The Municipal Code does not have a restriction on receiving compensation for Planning Commissioners, so no revisions are required.

This ordinance would also add Chapter 2.60 to the Municipal Code to authorize the City Council to set by resolution compensation to be paid to each current Commissioner and Board Member. Upon adoption of the ordinance, staff would request a resolution be adopted by the City Council to establish the amount of compensation.

Staff is recommending the compensation for Commissioners and Board Members be set at a stipend of \$50.00 for the attendance of each meeting, as defined by the Brown Act. This stipend will be effective no sooner than thirty (30) days after the ordinance amending the Municipal Code re: Commissioner and Board Member compensation has been adopted. The resolution would not become operative until after the Ordinance takes effect on March 27, 2023.

Library Trustees are capped a \$50.00 a month for compensation by State Law.

City Council Agenda Report

Subject: Resolution Setting Compensation for Commissioners and Board Members

Meeting Date: February 13, 2023

Page 2 of 2

Fiscal Impact

The fiscal impact of this action would increase the General Fund budget by \$18,000 annually.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

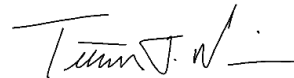
Respectfully submitted,



Natalie Sakkal
Director of Human Resources



Rose Zimmerman
City Attorney



Timothy Nevin
Director of Finance &
Administrative Services

Attachment: Draft Ordinance



City Council Agenda Report

Item # _____

Meeting Date: February 13, 2023

Subject: Consider and Select Artwork for the National Fitness Campaign Fitness Court® Lincoln Park Location

Recommended Action

Consider and select artwork for the National Fitness Campaign Fitness Court® located at Lincoln Park.

Background/Discussion

On June 25, 2020, the City was designated an Age-Friendly community by AARP and the World Health Organization (WHO). In 2022, the Recreation Division submitted a Grant Application to the National Fitness Campaign (NFC) for participation in their 2022 initiative to install and activate outdoor Fitness Courts® at two City parks: Westlake Park and Lincoln Park. NFC has been dedicated to helping communities fund, build, and activate outdoor gyms for over 40 years, and their mission of making fitness easily accessible to neighborhood communities is aligned with the City's age-friendly goal to provide Active Adults with access to fitness opportunities.

Each Fitness Court® is designed to be a unique and custom piece of public art brought to the community and placed in local iconic locations for all to see. The Fitness Court® located at Lincoln Park will be installed in an open space, which provided an opportunity to elect the NFC Local Artist Collection & Grant option. Some benefits of this option include:

1. Support and showcase of a local artist in our community, including artist and artwork bio on the Fitness Court®
2. Award \$5,000 NFC Grant for selected artist
3. Create unique one-of-a-kind mural specific to our city

In July 2022, a wide call for digital artists was launched and shared through the City's website, social media channels, Arts & Culture Commission, Jefferson Union High School District, and Daly News Summer 2022 Edition. The call was also posted at Recreation facilities. Local digital artists were given until September 16, 2022 to submit their interest. A total of eight (8) digital artists responded to the call.

An Arts & Culture Commission subcommittee meeting was scheduled on September 22, 2022 to provide the NFC Guidelines for digital artwork and guidance on how the artists can approach creating a digital design of "What Daly City represents to me", as well as answer any questions. Artists were also offered the direct access to staff and the Arts & Culture Commission subcommittee until the submission deadline of November 4, 2022. A total of two (2) submissions were received by the deadline, and there were no late submissions.

At the January 10, 2023 regular meeting of the Arts & Culture Commission, the Commission reviewed the two (2) submissions and recommend selection of Artist No. 1.

Select Artwork for the National Fitness Campaign Fitness Court® Lincoln Park Location

Meeting Date: February 13, 2023

Page 2 of 2

Fiscal Impact

None. On March 14, 2022, the City Council accepted and appropriated \$60,000 grant funding from NFC. The Recreation Division is utilizing Measure Q senior programming funding to partially fund the Fitness Courts®, and additional funding needed to supplement this community grant project was requested and approved as part of the FY 2022-2023 Capital Improvement Projects budget.

Summary/Conclusion

The City Council has the option to:

1. Review the two (2) artwork submissions, consider the Arts & Culture Commission's recommended selection, and select artwork for the National Fitness Campaign Fitness Court located at Lincoln Park, or
2. Direct staff to put out a second call for local digital artists to submit artwork for review and consideration.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

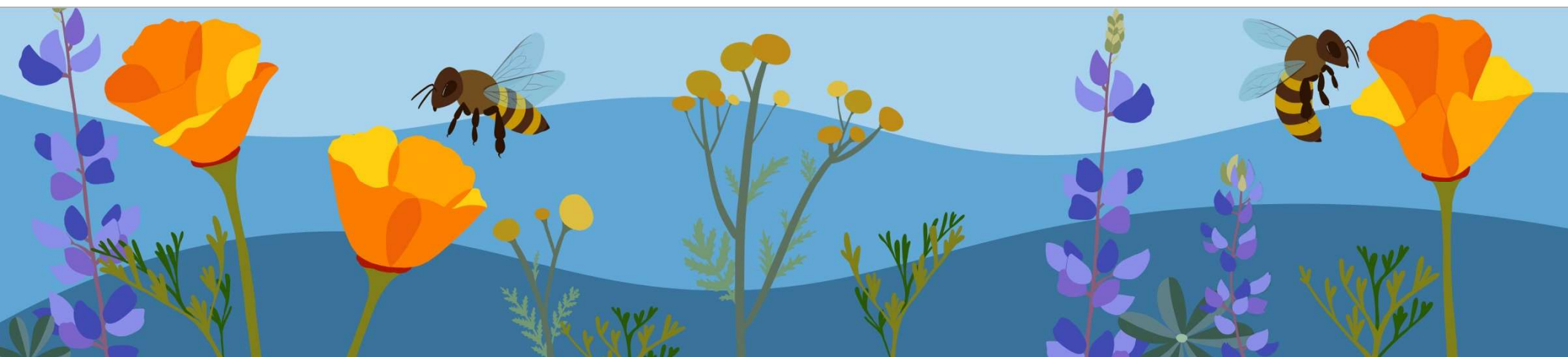


Leilani Ramos
Assistant to the City Manager



Denise Brown
Recreation Services Manager

Attachments: Artist No. 1 Artwork Submission & Statement
 Artist No. 2 Artwork Submission & Statement



In my submission, I wanted to feature something that may not be the first thing that comes to mind when thinking about Daly City—the native flora and fauna. One thing that I value immensely is how many little pockets of nature Daly City has: San Bruno Mountain, Fort Funston, and the various parks around the city, just to name a few. Native plants symbolize an everlasting characteristic of this area, something that spans the annals of history and will (hopefully) continue to be present in the future. With this installation being in Lincoln Park, I was inspired to merge my idea of depicting nature with still incorporating themes of fitness and strength. My mind immediately went to bees, the little resilient warriors that play an insurmountable role in ecosystems. Bees have the misfortune of having a bad rap, and I wanted to combat this by highlighting their importance and strength by centering my design around the crucial job they play in the environment—something that benefits us all and contributes to the conservation of Daly City’s history.



I am a proud Daly City resident and I happen to live across the street from Lincoln Park. Every day I see the value of this shared location to a diverse population - from the Tai Chi in the morning, to the Saturday and Sunday gatherings at the Community Center, to the Food Bank distribution days, to the school use for PE, to the newly refurbished basketball court, and to everyone else in this community that benefits from this beautiful slice of open space.

In my artwork, I chose to highlight the site-specific location of the proposed structure, which is at the "top of the hill," with the backdrop of San Bruno Mountain. I wanted to display not only the natural beauty that surrounds us here, and which often goes unrecognized, but also to include some of the history of the area. I included native flora and fauna (and I have seen coyotes here at Lincoln Park in the early mornings!), including the endangered Mission Blue Butterfly, which is endemic to the area. I also chose to allude to Daly City's historical place as a farming supplier for the surrounding region, in addition to having been a flower farming community. The mission bell at the top of the hill symbolizes Daly City's important place in the El Camino Real, linking it to San Francisco, and as the Gateway to the Peninsula and beyond. Lincoln Park is in particularly close proximity to the "Mission Road" itself, wherein this critical period of growth and development took place.

Of course, no depiction of Daly City would be complete without at least a hint of fog, which I show gently rolling in from the West. I chose to keep this at a minimum, as our micro-climate here is respectively sunny and warm, despite the undeniable coastal presence.



City Council Meeting Agenda Report

Item # _____

Meeting Date: February 13, 2023

Subject: Award of Contract for the Construction, Development and Testing of the Margate Well

Recommended Action

City Council accept all bids received, waive any minor inconsistencies, and authorize staff to contract with Maggiora Bros. Drilling, Inc., for the Construction, Development, and Testing of a new drinking water well at Margate Street for the bid cost of \$1,512,400 and a 15% contingency amount of \$227,000. Total not to exceed amount would be \$1,739,400.

Background

Groundwater is a critical source of drinking water for the City of Daly City, meeting approximately 40% to 50% of the customer demand for potable water. The City currently operates and maintains four wells that pump about 2 million gallons of water per day from a groundwater aquifer that is below San Francisco, Daly City, South San Francisco, and San Bruno. This aquifer, called the Westside Groundwater Basin, is closely managed by agreement among the four agencies, each of which, has rights to pump from it. Currently, Daly City does not have any wells outside of the Westside Groundwater Basin.

From 2010 to 2011, City staff and consultants from the engineering firm Brown and Caldwell, performed groundwater location testing on City property off Margate Street. This site is outside of the Westside Groundwater Basin and the City would have sole rights to any possible groundwater sources. The testing showed that there was potentially a significant source of high-quality water at depths of 400 feet and 800 feet. Further analysis showed that the groundwater was of a different constituency from Westside Groundwater Basin samples providing strong evidence that this source of water was from a separate aquifer. Subsequently, staff began developing a Capital Project to further develop this site at Margate Street into an actively producing drinking water well. Drilling and developing the well will confirm the volume of available water and its quality as the water will require some treatment.

Discussion

In 2022, during one of the most severe droughts ever recorded in California, the City received an American Rescue Plan Act (ARPA) allocation of \$2,000,000 to begin funding the New Well at Margate Street Capital Project. The City selected the engineering firm of Brown and Caldwell to design this new well and plans were accelerated with a target to begin construction in 2023. The design bid package for Construction, Development and Testing of the Margate Well was advertised in December of 2022 and two bids were received and opened on January 19, 2023. The two companies that provided bids are below:

Drilling Company	Bid Cost
Maggiora Bros. Drilling Inc	\$1,512,400.00
Nor-Cal Pump & Well Drilling, Inc	\$2,065,559.00

Staff recommends selecting the lowest responsible bid from Maggiora Bros. Drilling Inc. This company has successfully performed similar work for Daly City in the past, most notably, the drinking water well at Sullivan Ave and 91st Street and the Junipero Serra Well near the Citrus Corporation Yard.

Fiscal Impact

Sufficient funds are available in Fund 41-385-938-4536 New Well at Margate Street to provide for this request.

City Council Agenda Report

Subject: Award of Contract for the Construction, Development and Testing of the Margate Well

Meeting Date: February 13, 2023

Page 2 of 2

Summary/Conclusion

City Council accept all bids received, waive any minor inconsistencies, and authorize staff to contract with Maggiora Bros. Drilling, Inc., for the Construction, Development, and Testing of a new drinking water well at Margate Street for the bid cost of \$1,512,400 and a 15% contingency amount of \$227,000. Total not to exceed amount would be \$1,739,400.

Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,



Joshua Cosgrove

Acting Director of Water and Wastewater Resources



Gregory Krauss

Chief of Operations

Attachment 1: Brown and Caldwell – Technical Memorandum – Preliminary Well Siting Study



1201 North Civic Drive, Suite 115
Walnut Creek, CA 94596
T: 925.937.9010

Technical Memorandum

FINAL

Prepared for: Department of Water and Wastewater Resources, Daly City

Project Title: Development of New Margate Well at Reservoir 5B

Project No.: 158680

Technical Memorandum 1

Subject: Preliminary Well Siting Study

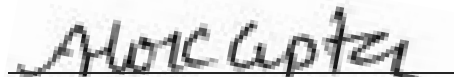
Date: January 4, 2022

To: Joshua Cosgrove, Acting Director, Department of Water and Wastewater Resources

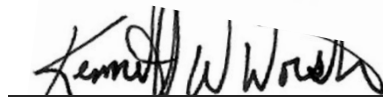
From: Christopher Peters, Brown and Caldwell, Project Manager

Copy: William K. Faisst

Prepared by:


Alok Gupta, PE C82971

Reviewed by:


Ken W. Worster, AG474

Reviewed by:


Christopher M. Peters, PE C69669



Limitations:

This document was prepared solely for City of Daly City in accordance with professional standards at the time the services were performed and in accordance with the contract between City of Daly City and Brown and Caldwell dated July 21, 2022. This document is governed by the specific scope of work authorized by City of Daly City; it is not intended to be relied upon by any other party except for regulatory authorities contemplated by the scope of work. We have relied on information or instructions provided by City of Daly City and other parties and, unless otherwise expressly indicated, have made no independent investigation as to the validity, completeness, or accuracy of such information.

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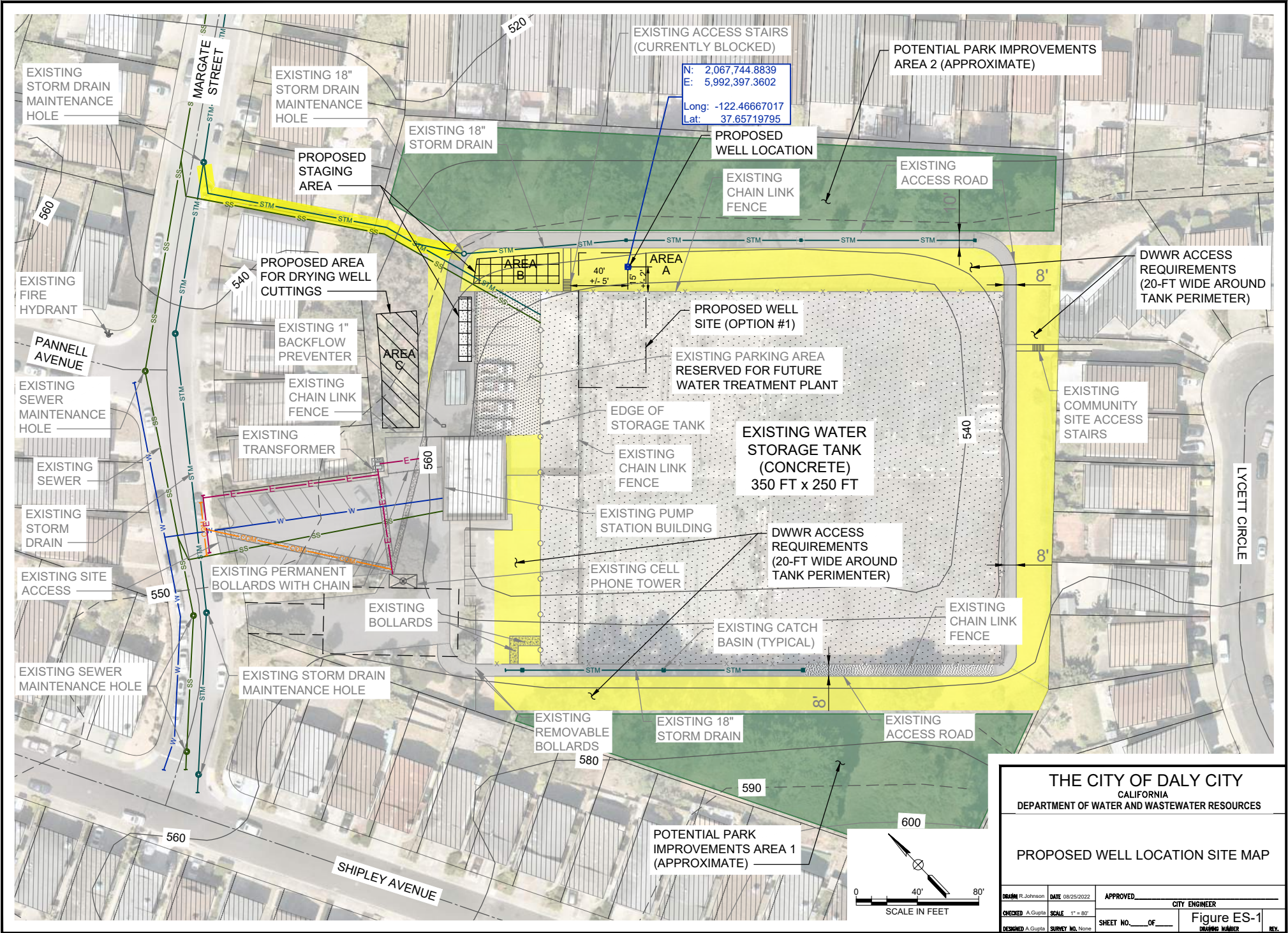
Executive Summary

This Technical Memorandum (TM) 1 presents the City of Daly City's (City) well siting study including the recommended location for a new water supply well and water treatment system. The City will install a new municipal well on the east side of the City's Reservoir 5B facility at 75 Margate Street. The proposed Margate Well will increase the City's groundwater production by providing a new source in a City area where no wells currently exist outside the Westside Groundwater Basin. The results from the test well water sample indicate that the new well will likely produce groundwater that will require treatment before entering the distribution system. This TM includes reviewing suitable locations for the Well, drilling logistics issues, and mitigating potential issues during drilling and defining property restrictions.

Brown and Caldwell's (BC) findings, conclusions, and recommendations are:

- The suitable location for well is about 15 feet (ft) East of Reservoir 5B, as shown in Figure ES-1.
- The site has space for drilling and staging the drill rig (Figure ES-1). BC coordinated a field visit with a local driller, Maggiora Brothers Drilling Inc (MBDI), and city representatives to confirm the space requirement and accessibility of the drill rig to the proposed well location and temporary storage areas for drill cuttings.
- The Reservoir 5B northeast site has a steep downward slope of about 2:1 (Horizontal [H]: Vertical [V]) and has shown some erosion, requiring an erosion control blanket on the side slopes.
- Reservoir 5B has existing storm drains located east and west along with a catch basin to divert any surface runoff. These catch basins would require Best Management Practices (BMPs) for inlet protection to remove sediments and other potential pollutants from entering the system.
- To supply water for the well drilling, the driller can connect a 2-inch-diameter temporary water supply hose to an existing intake discharge manifold connection using a backflow preventer inside the pumping station
- BC suggests avoiding parking or staging immediately next to Reservoir 5B to prevent any loading to the Reservoir 5B wall and recommends noise and vibration management.
- To meet the sound control requirements of the City, the drilling rig and associated support equipment will require temporary sound walls.
- Owing to the new electrical loads for the well and Water Treatment Plant (WTP), the well site will require an upgraded electrical service from Pacific Gas and Electric Company (PG&E). PG&E normally does not allow more than one electrical service to a single parcel so a second service for the new loads is infeasible.
- The City previously considered using the parking area next to Reservoir 5B to install the WTP skid and other associated equipment. However, owing to other potential uses of the site, the city will consider siting the WTP in a new building either south of the well along the reservoir's east side or on the concrete apron area north of the reservoir. The City currently parks service vehicles in that area. BC agrees with the City's potential WTP locations; the final site area requirement will be based on well pumping capacity and water quality.
- The City is evaluating the engineering feasibility of various site improvements. BC recommends that the City coordinate with BC for any site plans to avoid conflict with the proposed well and WTP.
- BC will complete a preliminary Potential Contaminating Activities (PCA) investigation as required for the Drinking Water Source Assessment Program (DWSAP) before drilling the Margate Well.





THE CITY OF DALY CITY
CALIFORNIA
DEPARTMENT OF WATER AND WASTEWATER RESOURCES

PROPOSED WELL LOCATION SITE MAP

DRAWN: R. Johnson	DATE: 08/25/2022	APPROVED: _____	CITY ENGINEER
CHECKED: A. Gupta	SCALE: 1" = 80'	SHEET NO. _____ OF _____	Figure ES-1
DESIGNED: A. Gupta	SURVEY NO. None	DRAWING NUMBER	REV.

Section 1: Introduction

1.1 Scope of Work

The scope of work for the Preliminary Margate Well Siting Study includes determining options for site organization for future well maintenance, re-drilling and access to water treatment systems, including power supply and maintenance. The overall objective of the Margate Well Siting Study identifies the location to drill and develop a well and determine:

- Available space for well drilling and logistics, including site access for the drill rig and area for drill cuttings. Conduct a site visit with a local driller to check on the various locations near Reservoir 5B.
- Options for mitigation of construction and operational noise.

1.2 Site Description

The City will use open space east of the City of Daly City's (City) Reservoir 5B facility at 75 Margate Street (Figure ES-1 and Figure 1-1) for the proposed Margate Well Site (Site). The City's Reservoir 5B site is situated in the southwest quarter of the northeast quarter and northwest quarter of the southeast quarter of section 24 township 3 south, range 06 west (West of Mount Diablo Principal Meridian). The Site has a total area of approximately 4.5 acres (Assessor's Parcel Number 091280260). Access to the Site is from northwest through Margate Street. The City-owned the property is situated close to water, sewer, and storm drain conveyance. The current land use at this Site includes Reservoir 5B and associated Pump Station (PS), a parking lot, an abandoned tennis court located on the roof of Reservoir 5B, and a walking trail around the Site. Single-family residences surround the Site, and the neighborhood accesses the walking trail through the stairways located south of the property (Figure 1-1b) and from Margate Street. The Site has available space on the east side of Reservoir 5B for well drilling.





**1-1a. Looking Southwest
(South of Reservoir 5B)**



**1-1b. Community site access stairways
(South of Reservoir 5B)**



**1-1c. Looking Southeast
(East of Reservoir 5B)**



**1-1d. Looking Northwest
(West of Reservoir 5B)**

Figure 1-1. Reservoir 5B site photographs

Section 2: Well Site Data

This section presents data about the Reservoir 5B site.

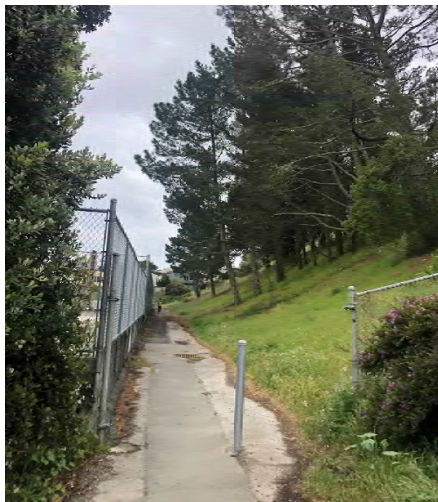
2.1 Field Visits

Brown and Caldwell (BC) staff completed a site visit on August 15, 2022 to perform well site reconnaissance. City staff and Maggiora Brothers Drilling Inc (MBDI) accompanied BC staff. The objective of the site visit was to compile photographs and field notes to document existing site conditions including the location of utilities, determine suitable areas for equipment and drill rig access, and staging areas for drilling equipment, and identify a construction water connection. BC outlined a well location and staging areas after discussion with MBDI.



2.1.1 Topography

In general, the Site area slopes downward from southeast to northwest. According to the topographic information from the City's geographic information system (GIS) map contours shown in Figure ES-1, the elevation across the Site ranged from approximately 610 to 520 ft. The side slope southwest of the Site is at a slope inclination of about 3: 1 (Horizontal (H): Vertical (V)) from the toe to the crest of the slope. The Site on the northwest has a downward slope of about 2:1 (H: V). Natural vegetation and trees cover the side slopes on the uphill and downhill are covered by, as shown in Figures 2-1a and 2-1b. The part of the downhill slope shows soil erosion which requires slope protection during drilling (Figure 2-1b and 2-1c).



**2-1a. Looking Southwest uphill slope
(West of Reservoir 5B)**



**2-1b. Looking northeast downhill slope
(East of Reservoir 5B)**



**2-1c. Looking northeast downhill slope
(East of Reservoir 5B)**



**2-1d. Looking northeast downhill slope
(East of Reservoir 5B)**

Figure 2-1. Upstream and downstream side slopes Reservoir 5B site

2.1.2 Storm Drain

The property's drainage discharges into existing storm drains located east and west of the current Reservoir 5B. There are four Catch Basins on the east (Figure 2-2c through 2-2f) and two catch basins (Figure 2-2a and 2-2b) on the west of Reservoir 5B storm drain. Flow leaves the catch basin and heads north to a covered box where it meets with the Reservoir 5B drainage line. We could not verify the drainage pipe diameter at the site visit; however, City data indicates that the storm drain has a diameter of 24 inches. The storm drain slope is about 2.9 percent, and its hydraulic capacity is about 17,000 gallons per minute (gpm) at full flow capacity. According to the City GIS map, storm drain leaves the Reservoir 5B site catch basin and flows northeast along the middle of two residences and then reaches a maintenance hole on Margate Street (Figure ES-1) where it connects to an 18-inch-diameter storm drain that has a slope of about 11.3 percent and a hydraulic capacity of 16,000 gpm. The combined storm drain flow east that has a diameter of 24 inches at a slope of 9.5 percent and has a hydraulic capacity of about 31,000 gpm.



2-2a. Looking West of Reservoir 5 B at catch basin



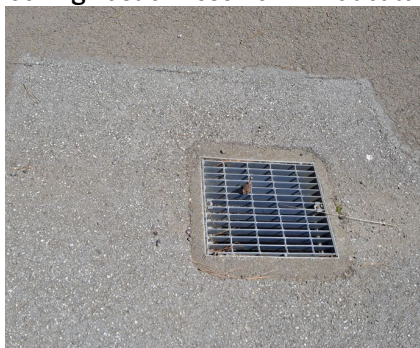
2-2b. Looking West of Reservoir 5 B at catch basin



2-2c. Looking East of Reservoir 5 B at catch basin



2-2d. Looking East of Reservoir 5 B at catch basin



2-2e. Looking East of Reservoir 5 B at catch basin



2-2f. Looking East of Reservoir 5 B at catch basin

Figure 2-2. Storm drain catch basins



2.1.3 Water

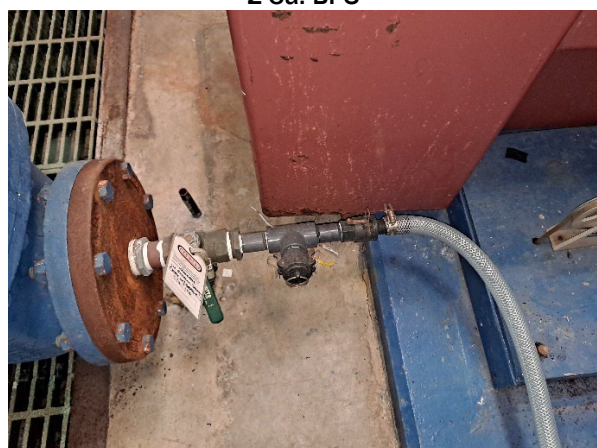
The existing PS building has two pumps and a space for an additional pump (Figure 2-3a and 2-3b). The additional pump discharge pipeline has an 8-inch blind flange with a 1-inch-diameter threaded connection connected to a 1-inch-diameter hose (Figure 2-3c). The driller could replace the 8-inch flange a 2-inch threaded connection flange reducer to connect a 2-inch reduced pressure backflow preventer and a 2-inch-diameter hose that would supply construction water to the well drilling site (Figure 2-3d).



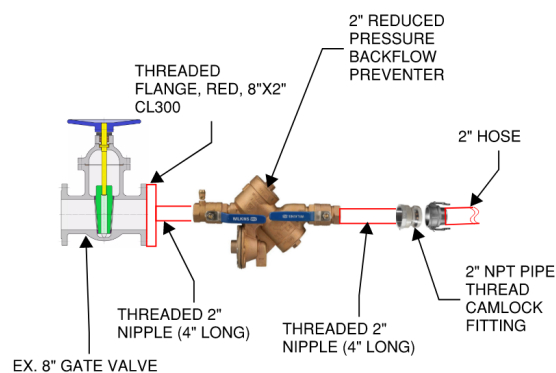
2-3a. BPS



2-3b. Space for connecting third pump



2-3c. 1-inch hose connection



2-3d. Proposed 2-inch hose connection with reduced pressure backflow preventer

Figure 2-3. Water conveyance connection location for well drilling

Section 3: Logistics and Engineering Feasibility

The City will install the new Margate Well on the northeast side of the City's Reservoir 5B facility at 75 Margate Street. The proposed well will increase the City's groundwater production by providing a new water source. The new wellhead and Water Treatment Plant (WTP) treatment system will discharge the end-product treated water into Reservoir 5B, where it will blend with other inflowing waters to lower its salinity further. The site has a limited open area to construct the well and WTP. In addition, City would like to purpose some open spaces for future recreation. The following sections discuss well-drilling logistics and engineering feasibility of the selected location for the Margate Well and WTP construction.

3.1 Driller Staging Areas

During the site visit, BC outlined two separate staging areas for drilling operations and storing and assembling pipelines (Figure ES-1). Area A is covered with grass and is located uphill to the east neighborhood. Before the construction, the driller will install a temporary sound wall to minimize the surrounding noise for the residences:

1. Area B, as shown in Figure ES-1, is asphalt paved and would serve as storage.
2. Area C, mostly downhill, would be used to temporarily store the drill cuttings until they dried and later moved to the appropriate place for backfill or landfill.

BC recommends avoiding parking next to the Reservoir 5B wall that could impact or add lateral loading to the Reservoir 5B walls.

3.1.1 BMPs for Construction Staging Area

Well drilling would require BMPs to prevent pollutants and sediments from entering the storm drains and drainage swales. Figure ES-1 and 2-2 shows the location of storm drain catch basins. BC recommends that the contractor installs the inlet barriers around the perimeter of the site to prevent sediments and pollutants from entering the storm drains.

3.2 DWSAP

In 2011, BC completed a preliminary DWSAP document (see Attachment B), but at a different well site location. The DWSAP document identifies potential contamination sources within a 1,930-ft (0.36-mile) radius of the site that may impact a well's groundwater quality after two, five, and 10 years of pumping at the designed pumping rate. The DWSAP revealed potential vulnerability from typical urban sources and activities such as existing and historical gas station storage tanks, sewers, freeways, and hazardous waste storage at businesses within the search radius. These risk factors are the same for existing City wells. A municipal well-constructed at Margate site should include a deep cement surface seal to reduce its contamination vulnerability. BC will perform a new DWSAP to check the new well location potential vulnerability as part of the Margate Well project.

3.3 Reservoir B Structural

Reservoir 5B is a rectangular, partially buried tank constructed with reinforced concrete and has a flat post-tensioned roof slab supported by perimeter walls, exterior columns, and interior shear walls (BC, 2021). In 2021, BC evaluated the structural feasibility of the Reservoir 5B structure for restoring recreational use on the tank roof slab and identified suggested recommendations to improve structural deficiencies. The proposed location of the new well is about 15 ft away from the Reservoir B East wall. The well drilling will create sound and vibration. Since there is no lateral loading from the well drilling and the well hole is about 15 ft away, the vibratory impact wouldn't affect the structural integrity of the Reservoir B wall. However, BC



suggests avoiding parking or staging next to Reservoir 5B and recommends noise and vibration management to maintain sound and vibration within the City's allowable levels.

3.4 Electrical Power

The well site will require an electrical connection to power the new well and WTP. The new power feed or upgraded existing feed will have the capacity for the Well and WTP as well as the existing Res 5B PS and other onsite facilities such as the Res 5B recirculation pumping system. Connecting conduits for utilities shall conform to respective utility standards. Water mains and appurtenances shall be installed per City standards, with pavement restored per City standards.

The well installation will include a wellhead located above grade and other provisions required by the State of California, State Water Resources Control Board, Division of Drinking Water for potable water wells. The well shall receive power from a new PG&E electrical service using a new transformer located at grade and fed through an underground connection to the nearest PG&E main feeder.

3.5 Water Treatment Area

Based on the initial water quality results, anticipated wellhead treatment equipment would include:

- Oxidation with sodium hypochlorite followed by pressure filtration to remove manganese; the treatment process would oxidize and filter out manganese while capturing any residual suspended solids.
- Reverse osmosis (RO) treatment to reduce the groundwater's total dissolved solids. The City would route the RO reject water to the nearby sanitary sewer tributary to the North San Mateo County Sanitation District Wastewater Treatment Facility.

The City previously considered using the parking area next to Reservoir 5B to install the WTP skid and other associated equipment (see Figure ES-1). However, owing to other potential uses of the site, the city will consider siting the WTP in a new building either south of the well along the reservoir's east side or on the concrete apron area north of the reservoir. The City currently parks service vehicles in that area. BC agrees with the City's potential WTP locations; the final site area requirement will be based on well pumping capacity and water quality.

3.6 Temporary Perimeter Sound Wall

Single family homes surround Reservoir Site 5B. Temporary drilling rig sound walls typically range in height from 16 to 32 ft and should be installed on drilling rig and associated support equipment to meet the sound control requirements of the site.

3.7 Coordination with City's Plan

The City provided August 25, 2022, "Margate Park Improvement Project" Meeting Minutes that outlines Reservoir 5B site improvements (Attachment A). The City submitted a Grant application to the CA Department of Parks and Recreation Office of Grants and Local Services in November 2021. The City is evaluating the engineering feasibility of various site improvements including site grading and constructing retaining walls for the uphill and downhill slopes (Figure ES-1, Area 1 and 2). The City will coordinate with BC for any future site plans to avoid any conflict with the proposed well and water treatment system.



Section 4: Conclusion and Recommendations

The study and site reconnaissance verified the logistic feasibility of the potential well site. Based on the site reconnaissance, BC recommends that the City proceed with preparations for constructing a borehole followed by water quality testing and then develop a permanent well. In addition, BC will perform environmental record checks from the state and federal environmental databases for a one-mile radius to locate past spills and leaks.

References

Brown and Caldwell, Margate Test Hole Underground Investigation Report, City of Daly City, August 5, 2011.

Brown and Caldwell, Preliminary Reservoir 5B structural Evaluation, City of Daly City, August 20, 2021.

City of Daly City, Margate Park Improvement Project, Introductory Meeting No. 2 Meeting Minutes, August 25, 2022.

