

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, February 14, 2011 - 7:00 PM
City Hall Council Chambers – 2nd Floor
333 – 90th Street, Daly City, CA 94015

Live Telecast: Comcast Channel 27, Astound 26, AT&T U-Verse 99

Webcast: www.dalycity.org/meetings

DRAFT

For those wishing to address the City Council on any Item on the Agenda or under Public Appearances/Oral Communications, please complete a Speaker Card located at the entrance to the Council Chambers and submit to a Staff Member as early in the meeting as possible.

Persons with disabilities who require auxiliary aids or services in attending or participating in this meeting should call the office of the City Clerk at 991-8078 as soon as possible.

CALL TO ORDER:

PLEDGE TO THE FLAG:

ROLL CALL:

PRESENTATIONS:

American Heart Month Proclamation

APPROVAL OF MINUTES:

Regular Meeting of December 13, 2010

Regular Meeting of January 10, 2011

APPROVAL OF AGENDA:

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine and may be approved

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.

by one roll call vote of the City Council. There shall be no separate discussion of the matters on the Consent Agenda unless requested by a member of the City Council. If discussion is required, that item will be removed from the Consent Agenda and will be considered separately at the end of the Agenda.

Resolutions :

1. Approval of Tier 2 Drought Implementation Plan
2. Notice of Completion for Street Slurry Seal and Cape Seal 2010
3. Countywide Subregion Membership to Administer ABAG's Regional Housing Needs Allocation
4. Proposed Assignment of Recreation Services Manager and Library Services Manager Classifications to Miscellaneous/Unrepresented Salary Schedule Range 64

Authorizing Budgetary Adjustments:

5. To Appropriate \$4,487.53 in Donations from Friends of the Library to the Daly City Public Library
6. Appropriation of \$42,412 for the Housing Endowment and Regional Trust of San Mateo County

END OF CONSENT AGENDA

AWARD OF BIDS/CONTRACTS:

7. Award of Construction Contract for the Top of the Hill Improvements - Mission Street;
Adopt Resolution Amending Traffic Regulations to Conform with Project Plans

Staff

Ovadia

Recommended Action

Adopt Resolutions

Roll Call

8. Award of Construction Contract for the City Hall Chiller Replacement Project (333 - 90th Street)

Staff

Ovadia

Recommended Action

Adopt Resolution

Roll Call

ORDINANCES:

9. Second Reading, Ordinance No. 1354, Amending Chapter 2.04 of the Municipal Code
Re: Special Election to Fill Vacancy

Staff

Zimmerman

Recommended Action

Adopt Ordinance

Roll Call

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

APPOINTMENTS: Board/Commission Membership Committee Appointments

REPORTS:

10. Council Committee
- A Council Committee Meetings, January 25 -
February 13, 2011
11. City Council
12. Staff

ADJOURNMENT:

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The meeting was called to order by Mayor Klatt at 7:00 P.M.

PLEDGE TO THE FLAG:

The pledge to the flag was led by Marian Mann.

ROLL CALL: Councilmembers Present:

Carol L. Klatt, Mayor
David J. Canepa
Michael P. Guingona
Sal Torres

Councilmember Absent:

Maggie Gomez

Staff Present:

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

PRESENTATIONS:

Lions International Peace Poster Contest Awards Winners

Marian Mann stated this is the tenth year that the Daly City Host Lions Club has conducted Lions International Peace Poster contest program. This year's contest theme is "Vision of Peace". This year's judges were the Assistant City Manager Kerry Burns, Bette Davis and Marian Wilson. Four schools participated and were sponsored by Duggan's Serra Mortuary, Lucky Chances, Serra Bowl, and the Proaño Family. The first place winner will receive a \$100 Savings Bond and a plaque. The second place winner will receive a \$50 Savings Bond and a plaque. The school will receive a certificate of participation.

Mayor Klatt and Daly City Host Lions Club President, Sharon Keenan, presented the awards to:

Benjamin Franklin Intermediate School

First Place: Danna Fernandez
Second Place: Devonte Lindsey

Fernando Rivera School

First Place: Najah Abdullah
Second Place: Denise Guinto

Our Lady of Perpetual Help School

First Place: Angelina Gica
Second Place: Anne Marie Tubig

Holy Angels School

First Place: Jordin Jimenez
Second Place: Kathy Valencerina

APPROVAL OF AGENDA:

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to approve the agenda.

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Councilmember Torres stated the HEART issue was inadvertently left off the agenda. He did not make a motion to add it to the meeting because a Councilmember is absent tonight.

CONSENT AGENDA

RESOLUTIONS:

Authorizing City Manager to Execute an Extension to the Agreement with the County of San Mateo for Homework Centers

Resolution No. 10-177, Approving Extension to Grant Agreement Between City of Daly City and County of San Mateo Re: After School Homework Centers Program

Authorizing the Designation of City's Authorized Representatives for California State Association of Counties Excess Insurance Program

Resolution No. 10-178, Authorizing Designation of City's Authorized Representatives for CSAC Excess Insurance Program

Commending Police Captain Cory Roay on the Occasion of His Retirement

Resolution No. 10-179, Commending Cory Roay on the Occasion of his Retirement

Commending Police Lieutenant Jay C. Morena on the Occasion of His Retirement

Resolution No. 10-180, Commending Jay C. Morena on the Occasion of His Retirement

Commending Police Sergeant Mark E. Keyes on the Occasion of His Retirement

Resolution No. 10-181, Commending Mark E. Keyes on the Occasion of His Retirement

Commending Police Sergeant Christopher J. Parker on the Occasion of His Retirement

Resolution No. 10-182, Commending Christopher J. Parker on the Occasion of His Retirement

Setting Time and Place of Public Hearing: Supplemental Law Enforcement Service Funds Hearing 1/10/11

Resolution No. 10-183, Setting Time and Place of Public Hearing on Expenditure Plan for Use of Allocated Funds Under the State of California Citizens' Option for Public Safety Program (COPS) Supplemental Law Enforcement Service Funds (SLES) Grant, Hearing 1/10/11, 7:00 P.M.

Notice of Completion for Mussel Rock Landfill Site Maintenance 2010

Resolution No. 10-184, Accepting Completion of Certain Project in the Department of Public Works (Mussel Rock Landfill Site Maintenance 2010)

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CONSENT AGENDA: Continued

RESOLUTIONS: Continued

Acceptance of Office of Traffic Safety Funding for Annual "Click It or Ticket" Safety Belt Traffic Enforcement

Resolution No. 10-185, Approving Receipt of Grant Funds from the California State Office of Traffic Safety for the Daly City Police Department

CHECK REGISTERS:

Check Registers for the Month of October 2010

Check Registers for the Month of November 2010

END OF CONSENT AGENDA

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to approve and adopt the Consent Agenda.

PUBLIC HEARINGS:

Community Development and Housing Needs

Housing and Community Development Supervisor, Betsy ZoBell, stated the City receives an allocation of Community Development Block Grant funds from the U.S. Department of Housing and Urban Development that are intended to be used primarily to benefit low and moderate-income residents and used for a variety of activities including affordable housing, public services, infrastructure and economic development. In addition, the City receives federal HOME funds that may be used for affordable housing.

Tonight, the City Council will conduct a public hearing to obtain citizen input on Housing and Community Development needs and adopting a resolution, which identifies funding categories with funding percentage ranges for the City's Community Development Block Grant (CDBG) and HOME Programs for Fiscal-Year 2011-12.

The staff has received written correspondence from the Center for Independence of the Disabled, emphasizing the importance of modifications to homes for seniors and people with disabilities to ensure they are safe in their homes. In addition, we received a call from Ann Sims, Executive Director of the Bayshore Child Care Services who wanted to emphasize the importance of affordable child care for children and infants of low income households.

Mayor Klatt opened the public hearing.

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PUBLIC HEARINGS: Continued

Community Development and Housing Needs – Cont'd.

The following individuals expressed appreciation to the Council for their support and presented a brief description of services they provide to assist the citizens of Daly City:

Brandi Vandolah, representing Healthy Aging Response Team (HART)
Judith Lim, representing HART volunteer
Nina Tranch, representing HART volunteer
Bruce Hamilton, representing HIP Housing
Lauren Zorfas, representing Legal Aid Society of San Mateo County
Kim Gillette, representing Daly City Youth Health Center
Gina Papan, representing John's Closet
Sharon Petersen, representing Samaritan House/Safe Harbor
Melissa Lukin, representing Community Overcoming Relationship Abuse (CORA)
Holly Fulghum-Nutters, representing Project Read
Chris Canter, representing Shelter Network

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to close the public hearing.

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

Resolution No. 10-186, Approving and Adopting Funding Categories with Funding Percent Ranges for the City's Community Development Block Grant Entitlement and the City's HOME Fund for Fiscal Year 2011-2012

COMMUNICATIONS:

Use Permit, Design Review and Environmental Assessment for the Conversion of an Existing Single Family Residence into a New Duplex Residence - 156 Miriam Street

Associate Planner Jeannie Naughton gave a PowerPoint presentation on the project site and reviewed the applicant's request of approval for the conversion of an existing single family residence into a new duplex residence on property located in the R-1/A Single Family/Duplex Residential District at 156 Miriam Street. There are two accessory structures located near the rear lot, including a garage and a storage shed. The applicant is proposing the removal of the accessory buildings, in conjunction with the addition to the single family residence.

A letter was received from 140 Miriam Street expressing concern about adding another unit to a block that currently has limited parking spaces.

Lisa Zhou, applicant stated the owner, Tak Man Leong, currently does not live in the existing home because it is not in living condition. He intends to move his family in one of the units, once it is renovated and possibly rent out the other unit.

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COMMUNICATIONS: Continued

Use Permit, Design Review and Environmental Assessment for the Conversion of an Existing Single Family Residence into a New Duplex Residence - 156 Miriam Street
Cont'd.

It was moved by Councilmember Torres, seconded by Councilmember Canepa and carried to concur with the Categorical Exemption under CEQA requirements.

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

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

Resolution No. 10-187, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit (UPR-9-10-2731), to Construct a New Duplex (156 Miriam Street)

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to approve UPR-9-10-2731, DR-9-10-2372, subject to Conditions of Approval.

Presentation of Comprehensive Annual Financial Report

Director of Finance and Administrative Services, Donald McVey, reviewed and submitted the Comprehensive Annual Financial Report for the year ending June 30, 2010, which includes all funds and account groups for the City of Daly City as well as the activities of the Daly City Redevelopment Agency and the North San Mateo County Sanitation District.

The City Council contracted an independent audit of the books of accounts, financial records and transactions of City departments, divisions and functions by the firm Maze and Associates, Certified Public Accountants. The audit is complete and the firm's unqualified opinion has been included in the document.

Mr. McVey gave a PowerPoint presentation on the City's General Fund Financial Update, a copy of which is on file in the Office of the City Clerk.

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to accept Comprehensive Annual Financial Report.

Adoption of the Daly City Green Vision Climate Action Plan

Assistant City Manager Kerry Burns gave a PowerPoint presentation on the Daly City Climate Action Plan, TEN for TWENTY that the City has put together for Council's consideration this evening and reviewed the initiatives the City has undertaken for addressing global warming and reducing carbon emissions, its policy and the guiding principles of the plan.

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COMMUNICATIONS: Continued

Adoption of the Daly City Green Vision Climate Action Plan – Cont'd.

Ms. Burns also reviewed the ten goals to be implemented over the next ten years for reducing carbon emissions, reducing energy consumption and conserving natural resources, as outlined in the Agenda Report. A copy of the Daly City's Green Vision A Climate Action Plan for 2011 – 2020 and Beyond is on file in the Office of the City Clerk.

Pamela Di Giovanni volunteered to help on this issue. She stated she would like to be on a citizen committee if one is formed.

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

Resolution No. 10-188, Adopting Daly City Green Vision Climate Action Plan

AWARD OF BIDS/CONTRACTS:

Civic Center South Heating, Ventilation and Air Conditioning Replacement Project

Senior Civil Engineer Robert Ovidia recommended that the City Council accept all bids and award a construction contract to the lowest bidder, N. V. Heathorn Company of San Leandro in the amount of \$515,000 for the replacement of the heating, ventilation and air conditioning system at Civic Center South, 271 – 92nd Street. He stated the project includes the replacement of the existing boiler, chiller, and air-handler units with more energy efficient models that are more appropriately sized for the space and building usage.

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

Resolution No. 10-189, Authorizing Execution of Construction Contract with N.V. Heathorn Company: Heating, Ventilation and Air Conditioning Replacement Project (Civic Center South)

RESOLUTIONS:

Adjustment of Garbage Rates as a Result of San Mateo County AB 939 Fee Increase

Director of Finance and Administrative Services Donald McVey stated this item is for Council determination that the increase in the San Mateo County AB 939 fee is an extraordinary expense under Article 7 of the Franchise Agreement for Solid Waste Services with Allied Waste and acceptance of other cost mitigation measures proposed by Allied Waste to reduce the impact of this fee increase.

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RESOLUTIONS: Continued

Adjustment of Garbage Rates as a Result of San Mateo County AB 939 Fee Increase – Cont'd.

Under the franchise agreement, Allied Waste is entitled to a rate adjustment of 1.07% for inflation, effective January 1, 2011 and to request a rate adjustment when extraordinary and unforeseen expenses occur, as provided for under Section 7.1.5 Extraordinary Expenses of the Franchise Agreement.

Allied has requested an adjustment for the following two items: 1) San Mateo County unilaterally imposed an increase of \$2.81 per ton in their AB939 regulatory fee at the Ox Mountain Land Fill; and 2) San Mateo County will not continue to provide the free household battery drop-off program without charge. Allied is able to provide the service at a reduced rate and the City wants to continue this service.

As a result of this request for this extraordinary rate adjustment, the City requested that Allied look at anything they can to help mitigate that increase. Allied proposes the following changes: 1) to consolidate the recycling routes, allowing the elimination of one route; 2) define that the debris box service is part of the exclusive franchise agreement and 3) eliminate the low income senior discount program, which no longer complies with current California law.

Pamela Di Giovanni was concerned how this would affect the low income seniors and asked how we can mitigate for the seniors.

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

Resolution No. 10-190, Adjustment of Garbage Rates as a Result of San Mateo County AB939 Fee Increase

ORDINANCES:

Second Reading - Ordinance of the City of Daly City Amending Title 15 of the Daly City Municipal Code

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried by unanimous roll call vote to adopt the following ordinance:

Ordinance No. 1353 Amending Title 15 of the Daly City Municipal Code, by Repealing and Replacing Chapters 15.00, 15.08, 15.14, 15.16, 15.20, 15.22, 15.24, 15.32, 15.60; Repealing Chapters 15.12, 15.36 15.58; Adding Chapter 15.10 - Residential Building Code; and Adding Chapter 15.22 – California Green Building Standards Code Thereof, as Set Forth in Sections 1 Through 17 Herein After

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PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Pat Saunder stated the Peninsula Inter-Faith Action and Broadmoor Action Ministry are concerned about Daly City and HEART, as well when HEART will be placed on the Agenda.

Marian Mann announced there are twenty-one homeowner associations participating in this year's Holiday Decorating Contest. She stated she is looking forward to awarding the winners at the first Council meeting in January.

Sylvia Alvarez-Lynch and Judith Christensen explained that Mayor Guingona, Councilmember Torres and City Manager Patricia Martel refused to meet with them and Mrs. Gloriann Jones and would meet only with Ms. Christensen alone with no witnesses. The agenda for this scheduled meeting was to discuss discrepancies between the 6% raises authorized in Resolution 02-50 and the actual 25% and 20% raises given to former City Manager John Martin and former City Attorney Stan Gustavson. Ms. Christensen formally requested another meeting with the same agenda with herself, Mrs. Alvarez-Lynch, Mrs. Jones, Ms. Martel, and whomever Ms. Martel would like to invite.

APPOINTMENTS:

Board/Commission Membership Committee Appointments

There were no appointments.

REPORTS:

Council Committee

Council Committee Meetings, November 8 - December 12, 2010

The Council Committee reported on the Jefferson Elementary School District Possible Plans for Surplus Property-Colma School and Hill Street, and Safe Routes to School (Guingona/Klatt).

Councilmember Torres reported on the San Mateo County Police Chiefs and Fire Chiefs Association meeting he attended along with health care providers and other community leaders to discuss the issue of Raves at the Cow Palace.

Mayor Klatt reported on the Holiday event that was held at the Doelger Senior Center.

Councilmember Canepa reported on the swim meet for the Dolphins at the Giammona Pool that he, Councilmember Guingona and Mayor Klatt attended on Saturday.

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REPORTS: Continued

Staff

Assistant City Manager Kerry Burns announced that due to financial times, the City Offices will be closed Friday, December 24 to Friday December 31, 2010.

ADJOURNMENT:

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to adjourn the meeting at 9:15 P.M. in memory of Carlos Alvarenga, Ray Sheeran, Betty Ann Hinchman, Tatay Doming Pulido, Richard Douglas, Ingrid Naglemaker and Yelva Torres.

City Clerk

Approved as submitted, this _____

day of _____, 2011.

Mayor

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The meeting was called to order by Mayor Klatt at 7:00 P.M.

ROLL CALL: Councilmembers Present:

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

Staff Present:

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

PRESENTATIONS:

Commending the Graduates of Citizens Academy III

City Manager Patricia Martel introduced the graduates of the Citizens Academy III, who are being honored for completing the eight-week course in local government. The participants in the Academy are presented with an intense overview of Daly City's municipal operations.

Mayor Klatt presented Certificate of Commendations to the following 2010 Graduates of the Citizens Academy: Radames Abarrientos, Renee Anderson, Leonard M. Belaski, Brenda Jones-Belaski, Chinetta Cade, Charito Casanas, Cheryl Crofts, Delores Clemente, Claudia Colley, Christina Gotuaco, Sabina Gotuaco, Bill Hellums, Carol Hellums, William J. Lex, M. Corin Medrano, Flora Nolasco, Jon Owens, Andrew Passaretti, Olivia Spooner, Belmor Sulit, Fred Vinson and Larry Williams.

Annual Holiday Decorating Contest Awards

Marian Mann reported that twenty-one homeowner associations in Daly City participated in the 11th Annual Daly City Holiday Decoration Contest. The winners of each association will be given their awards by Mayor Klatt, Mike Leong, General Manager of Serra Bowl, and a representative from each homeowner association. Mr. Leong thanked the winners.

Mayor Klatt presented plaques to the winners of each Homeowners Association of the 11th Annual Daly City Holiday Decoration Contest. A list of the winners is on file in the Office of the City Clerk.

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PRESENTATIONS: Continued

STAR Award Recognition

Assistant City Manager Kerry Burns announced the STAR recipient is Police Cadet Maria Scafani from the Police Department for outstanding customer service. Joyce Gregorio nominated Police Cadet Scafani for assisting two residents and resolving their towed vehicles issue.

APPROVAL OF MINUTES:

Regular Meetings of October 11, November 8, 2010 and Special Meeting of December 6, 2010

It was moved by Councilmember Guingona, seconded by Councilmember Torres and carried to approve the minutes of the Regular Meetings of October 11 and November 8, 2010 and the Special Meeting of December 6, 2010.

APPROVAL OF AGENDA:

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to approve the agenda.

CONSENT AGENDA

RESOLUTIONS:

Amending Traffic Regulations to Install a Stop Sign on Whittier Street at Frankfort Street

Resolution No. 11-1, Establishing Traffic Regulations

Notice of Completion for Gellert Boulevard, 87th Street and Bellevue Avenue Rehabilitation Project

Resolution No. 11-2, Accepting Completion of Certain Project in the Department of Public Works (Gellert Boulevard, 87th Street and Bellevue Avenue Rehabilitation)

Approval of Final Map and Improvement Agreement for Mission Street Condominiums (SUB07-1) - 7555 Mission Street

Resolution No. 11-3, Approving Final Map and Improvement Agreement for Mission Street Condominium Subdivision (SUB07-1) and Accepting the Public Utility Easements

Acceptance of Public Improvements for Kauai Estates Subdivision

Resolution No. 11-4, Acknowledging Completion of Public Improvements and Accepting Such Public Improvements Kauai Estates Subdivision

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CONSENT AGENDA: Continued

RESOLUTIONS: Continued

Authorizing the City Manager to Execute a Memorandum of Understanding between the San Mateo County Transit District and the City of Daly City for Grant Funding for a Bus Shelter and other Improvements on Bayshore Boulevard

Resolution No. 11-5, Authorizing Approval and Execution of Memorandum of Understanding (MOU) Between San Mateo County Transit District and the City of Daly City for Bus Shelter and Other Improvements on Bayshore Boulevard

Accept and Appropriate a Public Library Staff Education Program Grant

Resolution No. 11-6, Approving Receipt of Grant from the California State Library for a Public Library Staff Education Program

AUTHORIZING BUDGETARY ADJUSTMENTS:

Appropriation of Grant Funds for FY 2010-2011 for Healthy Aging Response Team Outreach Worker Hourly Wages

Resolution No. 11-7, Authorizing Budgetary Adjustment and Appropriations for Fiscal Year 2010-2011

END OF CONSENT AGENDA

It was moved by Councilmember Torres, seconded by Councilmember Guingona and carried to approve and adopt the Consent Agenda.

PUBLIC HEARINGS:

Supplemental Law Enforcement Service Funds

Police Captain Eric Wollman reviewed the agenda report and recommended that the City Council accept the grant of \$130,355 for funding of a Crime Analyst position and a partial Public Safety Communications Supervisor, as well as the purchase of a Mobile Law Enforcement License Plate Recognition Camera System; and further, appropriate this amount to the State of California “Citizens’ Option for Public Safety – Supplemental Law Enforcement Services” budget.

Mayor Klatt opened the public hearing.

It was moved by Councilmember Guingona, seconded by Councilmember Torres and carried to close the public hearing.

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PUBLIC HEARINGS: Continued

Supplemental Law Enforcement Service Funds – Cont'd.

It was moved by Councilmember Canepa, seconded by Councilmember Guingona and carried by unanimous roll call vote to adopt the following ordinance:

Resolution No. 11-8, Approving Expenditure Plan for Use of Allocated Funds Received by the City of Daly City Under the State of California Citizens' Option for Public Safety (COPS) Program and Authorizing Appropriations in the Adopted City Budget to Utilize Such Funds (Supplemental Law Enforcement Service Fund (SLES) Grant)

COMMUNICATIONS:

Use Permit, Design Review and Environmental Assessment for a New Clearwire Wireless Facility at 99 Elmwood Drive

Councilmember Torres announced he is required by California law to recuse himself because he lives near the project area. Councilmember Torres left the Chambers at 7:43 P.M.

Assistant Planner Steve Engfer reviewed the applicant's request for approval of a use permit and design review application for the installation of a new wireless facility as a co-location at 99 Elmwood Drive. Clearwire provides wireless internet access and is building out a network to provide these opportunities to the public. Mr. Engfer gave a PowerPoint presentation of the project site.

The City has received a phone call from Doris Cutler a nearby resident in opposition, and an opposition letter was received from Marijane and Albert Modena Jr. addressed to the Reverend of the Westlake Baptist Church today.

The following individuals spoke in opposition to this project, citing concerns to the exposure of radiation and potential health hazards:

Calvin Chen
Janice Ng
Tom Jacobson
Yu Chin
Diane Galliani
Pamela DiGiovani
Carl Hilsz
Michael Luk

The applicant, Charnel James, of NSA Wireless representing Clearwire was present to answer Council's questions.

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COMMUNICATIONS: Continued

Use Permit, Design Review and Environmental Assessment for a New Clearwire Wireless Facility at 99 Elmwood Drive – Cont'd.

It was moved by Councilmember Guingona, seconded by Mayor Klatt and carried by the following roll call vote to concur with the Categorical Exemption under CEQA requirements:

Ayes: Guingona, Klatt
Noes: Canepa
Abstained: Gomez

It was moved by Councilmember Guingona, seconded by Mayor Klatt and carried by the following roll call vote to affirm the findings of the Planning Commission as contained in their communication on file in the Office of the City Clerk:

Ayes: Guingona, Klatt
Noes: Canepa
Abstained: Gomez

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

Ayes: Guingona, Klatt
Noes: Canepa
Abstained: Gomez

Resolution No. 11-9, Adopting Findings of Fact and Imposing Conditions of Approval on Use Permit (UPR-10-10-2819) and Design Review (DR-10-10-2820), for New Clearwire Wireless Facility (Westlake Baptist Church, 99 Elmwood Drive)

It was moved by Councilmember Guingona, seconded by Mayor Klatt and carried by the following roll call vote to approve the use permit and design review, subject to the Conditions of Approval:

Ayes: Guingona, Klatt
Noes: Canepa
Abstained: Gomez

Councilmember Torres returned to the Chambers at 8:20 P.M.

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Pamela DiGiovani, a member of the St. Francis Association, requested that Mayor Klatt and Councilmember Guingona meet with her regarding an issue she is having with an individual at the St. Francis Association.

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PUBLIC APPEARANCES/ORAL COMMUNICATIONS: Continued

The following individuals addressed the Council on the new Clearwire wireless tower at 99 Elmwood Drive:

Carl Hilsz
Amy Chen
Steven Ng
Yu Chin

APPOINTMENTS:

Board/Commission Membership Committee Appointments

It was moved by Mayor Klatt, seconded by Councilmember Guingona and carried to reappoint George Mockridge to the Mobile Home Rent Review Commission.

REPORTS:

Council Committee

There were no reports.

City Council

There were no reports.

Staff

There were no reports.

ADJOURNMENT:

It was moved by Mayor Klatt, seconded by Councilmember Guingona and carried to adjourn the meeting at 8:35 P.M. in memory of Madeline Duggan, Ruth Eisenman, John Krol, Douglas Kapovich, Jeff Smith, Aaron Stewart, Lee Yarborough, Fred Hammond and Raleigh Saribalis.

City Clerk

Approved as submitted, this _____

day of _____, 2011.

Mayor



City Council Agenda Report

Item # _____

Meeting Date: February 14, 2011

Subject: Approval of Tier 2 Drought Implementation Plan

Recommended Action

Adopt resolution approving the Tier 2 Drought Implementation Plan endorsed by the 26 Water Management Representatives of the Bay Area Water Supply and Conservation Agency (BAWSCA).

Background

A drought allocation plan adopted in 2000 by the suburban Wholesale Customers and the San Francisco Public Utilities Commission (SFPUC) terminated in June 2009 consistent with the expiration of the 1984 Master Settlement Agreement. The adoption of the new Water Sales Agreement between BAWSCA and the SFPUC in July 2009 established a percentage Tier 1 drought allocation methodology within the regional water system, and authorized BAWSCA Wholesale Customers to collectively adopt a revised tier 2 methodology to allocate the remaining available water.

Discussion

BAWSCA member agency appointed representatives began meeting in October 2009 to develop a set of principles to serve as guidelines for an equitable allocation methodology, as well as establish formulas and procedures in which to implement those principles. In summary, the agreed to principles include:

Providing certainty of drought allocations with consistent and pre-determined rules for calculation;

Providing consistent amounts of water for basic needs of customers;

Creating an incentive for water conservation at all times and the development and management of alternative water supplies;

Avoiding preventable, adverse economic impacts;

Avoiding reallocation of water supply assets and investments among agencies without mutual consent and compensation; and

Recognizing inherent differences in land use and climate.

On August 25, 2010, the appointed Water Management Representatives unanimously agreed to recommend adoption of a new Tier 2 Plan to their respective governing bodies. The endorsed Tier 2 Plan establishes a water allocation process and formula to determine how the available water within the regional water system is allocated among individual BAWSCA agencies up to a system-

wide shortage of 20%. The water allocation process would be initiated at the onset of a declared drought and the amount calculated would remain the same until such time as the SFPUC declares the drought condition over. The Tier 2 Plan provides a series of calculations that incorporate a number of components to include:

A base/seasonal purchase cutback using average monthly production numbers for the three years preceding the drought;

Adjustments to San Jose and Santa Clara equal to at least the maximum BAWSCA agency cutback because of these agencies status as an interruptible customer;

Weighted allocation of base/seasonal use by 66.66% and fixed agency component for its Individual Supply Guarantee by 33.33%;

Establishment of a minimum 10% cutback among all BAWSCA agencies; and,

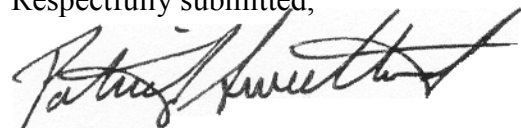
Establishment of a hardship bank of additional water for East Palo Alto resulting from its existing low per capita water use.

This Tier 2 Plan would remain in effect until December 31, 2018 to coincide with San Francisco's deferral of decisions about additional regional water supplies.

Specifically for Daly City, applying water usage in Fiscal Year 2008-09 as a basis for calculations, the Tier 2 drought reduction accounts for an approximate 22.63% reduction of purchased water from San Francisco or a decrease of 0.929 million gallons a day providing for a 3.176 million gallon a day allocation from the regional water system. Under this calculation, the average BAWSCA agency cutback is 26.84% so Daly City's reduction is consistent among other agencies. The anticipated impact to Daly City, when combining local groundwater supplies, would result in an overall 10% cutback among residents resulting from a declared 20% drought. Member agencies have been requested to endorse Tier 2 Drought Allocation Plan by March 31, 2001 as set forth and attached to this memorandum.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick Sweetland", with a stylized flourish at the end.

Patrick Sweetland
Director of Water and Wastewater Resources

EXHIBIT A

TIER 2 DROUGHT IMPLEMENTATION PLAN AMONG WHOLESALE CUSTOMERS

This Tier 2 Drought Implementation (Plan) describes the method for allocating the water made available by the San Francisco Public Utilities Commission (SFPUC) among the Wholesale Customers during shortages caused by drought. This Plan is adopted pursuant to Section 3.11.C of the July 2009 Water Supply Agreement between the City and County of San Francisco and the Wholesale Customers (Agreement).

SECTION 1. APPLICABILITY AND INTEGRATION

Section 1.1 Applicability. This Plan applies when, and only when, the SFPUC determines that a system-wide water shortage of 20 percent or less exists, as set forth in a declaration of water shortage emergency adopted by the SFPUC pursuant to California Water Code Sections 350 *et seq.* This Plan applies only to water acquired and distributed by the SFPUC to the Wholesale Customers and has no effect on water obtained by a Wholesale Customer from any source other than the SFPUC.

Section 1.2 Integration with Tier 1 Water Shortage Allocation Plan. The Agreement contains, in Attachment H, a Water Shortage Allocation Plan which, among other things, (a) provides for the allocation by the SFPUC of water between Direct City Water Users (e.g., retail water customers within the City and County of San Francisco) and the Wholesale Customers collectively during system-wide water shortages of 20 percent or less, (b) contemplates the adoption by the Wholesale Customers of this Plan for allocation of the water made available to Wholesale Customers collectively among the 26 individual Wholesale Customers, (c) commits the SFPUC to implement this Plan, and (d) provides for the transfer of both banked water and shortage allocations between and among the Wholesale Customers and commits the SFPUC to implement such transfers. That plan is referred to as the Tier 1 Plan.

The Tier 1 Plan also provides the methodology for determining the Overall Average Wholesale Customer Reduction, expressed as a percentage cutback from prior year's normal SFPUC purchases, and Overall Wholesale Customer Allocation, in million gallons per day, both of which are used in determining the Final Allocation Factor for each Wholesale Customer. The Overall Average Wholesale Customer Reduction is determined by dividing the volume of water available to the Wholesale Customers (the Overall Wholesale Customer Allocation), shown as a share of available water in Section 2 of the Tier 1 Plan, by the prior year's normal total Wholesale Customers SFPUC purchases and subtracting that value from one.

This Plan is referred to in the Agreement as the Tier 2 Plan. It is intended to be integrated with the Tier 1 Plan described in the preceding paragraph. Terms used in this Plan are intended to have the same meaning as such terms have in the Tier 1 Plan.

SECTION 2. ALLOCATION OF WATER AMONG WHOLESALE CUSTOMERS

Section 2.1 Annual Allocations Among the Wholesale Customers. The annual water supply allocated by the SFPUC to the Wholesale Customers collectively during system-wide shortages of 20 percent or less shall be apportioned among them based on the methodology described in this Section.

Section 2.2 Methodology for Allocating Water Among Wholesale Customers. The water made available to the Wholesale Customers collectively will be allocated among them in proportion to each Wholesale Customer's Allocation Factor, adjusted as described in the following subsections below. The Wholesale Customer Allocation Factors will only be calculated at the onset of a drought and will remain the same until such time as the SFPUC declares the shortage condition over. The Wholesale Customer Allocation Factors will be recalculated during subsequent shortage periods for use during those specific periods.

Section 2.2.1 Step One: Determination of Base/Seasonal Purchase Cutback For Each Wholesale Customer. The first step requires calculating the Wholesale Customer's Base/Seasonal Purchase Cutback. This calculation has seven parts. An example of Steps 1b-1f is presented in Table 2. Step 1g is shown in columns 3-6 in Table 3. For steps 1b-1g, the calculation uses average monthly production values for the three years preceding the drought for all potable supply sources, expressed as a monthly value in hundred cubic feet:

- Step 1a: Each agency's total annual purchases from the SFPUC will be compared to its Individual Supply Guarantee (ISG), with any annual purchases above its ISG subtracted from that agency's total annual SFPUC purchases by subtracting the amount on a monthly basis in proportion to the agency's monthly SFPUC purchase pattern,
- Step 1b: Calculate Average Monthly and Total Production for the three fiscal years immediately preceding the drought, excluding years during which shortage allocations were in effect, based on monthly production data from the SFPUC and Wholesale Customers,
- Step 1c: Calculate Base Component which is equal to the Average Monthly Production during the base months of December, January, February and March, multiplied by 12,
- Step 1d: Calculate Seasonal Component as the difference between Total Production and Base Component,
- Step 1e: Calculate an agency's Base/Seasonal Allocation , expressed in hundred cubic feet, by multiplying the Base Component by one minus the Base Reduction Percentage, or 90%, and the Seasonal Component by the percentage needed (Seasonal Reduction Percentage) to achieve the required Overall Average Wholesale Customer Reduction, which is expressed as a percentage,

- Step 1f: Calculate the Base/Seasonal Allocation Cutback Percentage for each agency by dividing its Base/Seasonal Allocation by the agency's Total Production, and
- Step 1g: Calculate the Base/Seasonal Purchase Cutback Percentage by multiplying the Base/Seasonal Allocation Cutback percentage times the lesser of: (a) the immediately preceding SFPUC purchases or (b) ISG, adjusting the Seasonal percentage above until the total reduction equals the Overall Average Wholesale Customer Reduction.

Additionally, adjustments to the Base Component for Stanford University will be made to remove that two week time period that the University is completely closed during the winter break per policy set by the University President as long as that policy remains in place. This adjustment will be removed at such time as the seasonal closure policy is terminated by Stanford University.

Section 2.2.2 Step Two: First Adjustment for San Jose and Santa Clara. The resulting Base/Seasonal Purchase Cutback Percentage in Section 2.2.1 for San Jose and Santa Clara will be compared to the highest Base/Seasonal Purchase Cutback percentage of the other Wholesale Customers. If both San Jose's and Santa Clara's percentage reductions are larger than the highest percentage reduction among any other Wholesale Customers, the Base/Seasonal Purchase Cutback percentage established under Section 2.2.1 will remain unchanged. If either San Jose's percentage cutback or Santa Clara's percentage cutback, or both, is smaller than the highest Base/Seasonal Purchase Cutback percentage of other Wholesale Customers, the Base/Seasonal Allocation (in mgd) of San Jose or Santa Clara, or both, will be reduced so that the percentage cutback of each is no smaller than that of the Wholesale Customers' otherwise highest percentage cutback. The amount of shortage allocation (in mgd) removed from San Jose and/or Santa Clara will be reallocated among the remaining Wholesale Customers in proportion to the Base/Seasonal Allocation of each.

Section 2.2.3 Step Three: Determination of Weighted Purchase Cutback For Each Wholesale Customer. Each agency's weighted allocation is calculated by multiplying its Adjusted Base/Seasonal Allocation in Section 2.2.2 by 66.66% and its Fixed Component by 33.33%. The Fixed Component is (i) the Wholesale Customer's ISG provided for in the Agreement, or (ii) in the case of Hayward, 25.11 mgd, or (iii) in the case of San Jose and Santa Clara, consistent with the limit on purchases from SFPUC set forth in Section 4.05 of the Agreement, e. g., 4.5 mgd each. The amount of the Fixed Component for each Wholesale Customer is shown on Table 1.

Section 2.2.4 Step Four: Second Adjustment for San Jose and Santa Clara. The resulting Weighted Allocations for San Jose and Santa Clara will be compared to the highest Weighted Purchase Cutback, shown as a percentage, of the other Wholesale Customers. If both San Jose's and Santa Clara's percentage cutback is larger than the highest percentage cutback among other Wholesale Customers, the Weighted Purchase Cutbacks established under Section 2.2.3 will remain unchanged. If either San Jose's

percentage cutback or Santa Clara's percentage cutback, or both, is smaller than the highest percentage cutback of any other Wholesale Customers, the Weighted Shortage Allocation (in mgd) of San Jose or Santa Clara, or both, will be reduced so that the percentage reduction of each is no smaller than that of the Wholesale Customers' otherwise highest Weighted Percentage Cutback. The amount of allocation (in mgd) removed from San Jose and/or Santa Clara will be reallocated among the remaining Wholesale Customers in proportion to the Weighted Shortage Allocation of each.

Section 2.2.5 Step Five: Adjustment for Minimum and Maximum Cutbacks. Using the Adjusted Weighted Purchase Cutbacks, either a 10% minimum cutback or maximum cutback, as defined below, is applied to any agency whose Adjusted Weighted Purchase Cutback falls outside this range:

- A minimum 10% cutback is applied to the individual agency Adjusted Weighted Allocation, with the reapportioned water being placed in the hardship bank for allocation to East Palo Alto.
- A maximum cutback of the average cutback plus 20% (e.g. 15% average cutback results in a maximum cutback of $15\% + 20\% = 35\%$) is applied to the individual agency Adjusted Weighted Allocation, with the water necessary to meet that level being subtracted in proportion to each Wholesale Customer's Adjusted Weighted Allocation from all remaining agencies, except those at agencies subject to the minimum cutback above.

The result is the Adjusted Minimum/Maximum Purchase Cutback, expressed as a percentage.

Section 2.2.6 Step Six: Adjustment to Provide Sufficient Supply for East Palo Alto.

In order to provide for sufficient water supply for water customers served by the City of East Palo Alto (EPA), the maximum Final Purchase Cutback applied at any given time to EPA will be equal to 50% of the Overall Average Wholesale Customer Reduction. The water needed to accommodate the guaranteed maximum cutback to EPA will be provided in two ways:

- First, water from the hardship bank provided by the 10% minimum cutback will be first added to the EPA Adjusted Weighted Purchase Allocation, and
- Second, the balance of water needed for EPA will be deducted on a prorated basis from those agencies with a pre-drought residential per capita water use greater than 55 gallons per capita per day (as documented in the most recent BAWSCA Annual Survey) in proportion to each agency's Min./Max. Adjusted Allocation and who are not subject to the minimum and maximum reductions already applied per Section 2.2.5

The result is the Allocation with EPA Adjustment, expressed as an mgd.

Section 2.2.7 Step Seven: Determination of Final Allocation Factor. Each Wholesale Customer's Final Allocation Factor is the fraction expressed as a percentage, the numerator of which is the particular Wholesale Customer's "Final Allocation with EPA Adjustment" (in mgd) as calculated in Steps One through Six and the denominator of which is the Overall Wholesale Customer Allocation (in mgd), a number provided by the SFPUC during the drought period as determined by the SFPUC in the Tier 1 Plan.

Section 2.2.8 Example Calculation. Table 2 presents a sample of the calculations involved in Steps 1b-1f. Table 3 presents a sample of the calculations involved in Step 1g and Steps Two through Seven, using the values from Tables 1 and 2 and recent water use data for the other values. Tables 2 and 3 are presented for illustrative purposes only and do not supersede the foregoing provisions of this Section 2.2. In the event of any inconsistency between this Section 2.2 and Tables 2 and 3, the text of this section will govern.

Section 2.3 Calculation of Individual Wholesale Customer Allocation Factors; Directions to SFPUC. The Tier 1 Plan contemplates that in any year in which the methodology described above must be applied, the Bay Area Water Supply and Conversation Agency (BAWSCA) will calculate each Wholesale Customer's individual percentage share of the amount of water made available to the Wholesale Customers collectively, following the methodology described above and defined above as Wholesale Customer Allocation Factors. The Tier 1 Plan requires SFPUC to allocate water to each Wholesale Customer in accordance with calculations delivered to it by BAWSCA.

Each Wholesale Customer authorizes BAWSCA to perform the calculations required, using water sales data furnished to it by the SFPUC, and to deliver to SFPUC a list of individual Wholesale Customer Allocation Factors so calculated as contemplated by the Tier 1 Plan. Neither BAWSCA nor any officer or employee of BAWSCA shall be liable to any Wholesale Customer for any such calculations made in good faith, even if incorrect.

SECTION 3. GENERAL PROVISIONS

Section 3.1 No Third-Party Beneficiaries. This Plan is for the sole benefit of the Wholesale Customers and shall not be construed as granting rights to any person other than another Wholesale Customer.

Section 3.2 Governing Law. This Plan is made under and shall be governed by the laws of the State of California.

Section 3.3 Effect on Water Supply Agreement. This Plan describes the method for allocating water from the SFPUC among the Wholesale Customers during system-wide water shortages of 20 percent or less declared by the SFPUC. The provisions of this Plan, and the Tier 1 Plan contained in Attachment H to the Agreement with which it is integrated, are intended to implement Section 3.11 of the Agreement. The Plans do not

affect, change or modify any other section, term or condition of the Agreement or of the individual Water Sales Contracts between each Wholesale Customer and San Francisco.

Section 3.4 Amendment. This Plan may be amended only by the written agreement of all Wholesale Customers.

Section 3.5 Termination. This Plan shall expire on December 31, 2018. It may be terminated prior to that date only by the written agreement of all Wholesale Customers.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
APPROVING TIER 2 DROUGHT IMPLEMENTATION PLAN
PURSUANT TO SECTION 3.11.C
OF THE WATER SUPPLY AGREEMENT WITH SAN FRANCISCO

Preamble:

1. The City of Daly City is one of 26 agencies in San Mateo, Santa Clara and Alameda Counties which purchase water from the City and County of San Francisco (San Francisco) pursuant to a Water Supply Agreement entered into in 2009 (Agreement). Collectively these 26 agencies are referred to in the Agreement as Wholesale Customers.

2. Section 3.11 of the Agreement addresses times when insufficient water is available in the San Francisco Regional Water System to meet the full demands of all users. Section 3.11.C provides that during periods of water shortage caused by drought, the San Francisco Public Utilities Commission (SFPUC) will allocate available water between its retail customers and the Wholesale Customers collectively, in accordance with a schedule contained in the Water Shortage Allocation Plan set forth in Attachment H to the Agreement (Tier 1 Plan).

3. Section 3.11.C authorizes the Wholesale Customers to adopt a Drought Allocation Plan, including a methodology for allocating the water which is collectively available to the 26 Wholesale Customers among each individual Wholesale Customer (Tier 2 Plan). It also commits the SFPUC to honor allocations of water unanimously agreed to by all Wholesale Customers or, if unanimous agreement cannot be achieved, water allocations that have been adopted by the Board of Directors of the Bay Area Water Supply and Conservation Agency (BAWSCA). The Agreement also provides that the SFPUC can allocate water supplies as necessary during a water shortage emergency if no agreed upon plan for water allocation has been adopted by the 26 Wholesale Customers or the BAWSCA Board of Directors.

4. Commencing in October 2009, representatives appointed by the managers of each of the Wholesale Customers have been meeting to develop a set of principles to serve as guidelines for an equitable allocation methodology, as well as formulas and procedures, to implement those principles. These discussions, and supporting technical analyses, have been conducted with the assistance of BAWSCA staff.

5. The Tier 2 Plan, attached to this resolution as Exhibit A, has been endorsed by all of the Wholesale Customer representatives who participated in the formulation process and they have committed to recommend that it be formally adopted by the governing body of their respective agencies.

6. The Tier 2 Plan allocates the collective Wholesale Customer share among each of the 26 wholesale customers through December 31, 2018 to coincide with San Francisco's deferral of decisions about additional water supply until at least 2018.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daly City as follows:

1. The Tier 2 Drought Implementation Plan, a copy of which is attached hereto as Exhibit A, is approved.

2. This approval is conditioned upon all of the other 25 Wholesale Customers approving the Plan, such approvals being evidenced through adoption of similar resolutions or, in the case of private-sector organizations, by other equivalently binding written commitments signed by an executive officer acting within the scope of delegated authority, and all such approvals occurring on or before June 30, 2011.

If such resolutions or binding commitments are not adopted by that date, this resolution will automatically expire and be of no further effect after June 30, 2011, unless it has been extended prior thereto by further action of this City Council.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a regular meeting thereof held on the _____ day of _____, 2011, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: _____

NOES, Councilmembers: _____

ABSENT, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY



City Council Agenda Report

Item # _____

Meeting Date: February 14, 2011

Subject: Notice of Completion for Street Slurry Seal and Cape Seal 2010

Recommended Action

Staff recommends that the City Council accept the improvements completed in compliance with the construction contract for the Street Slurry Seal and Cape Seal 2010.

Background

Since 1998, Daly City has instituted its Street Slurry Seal Project as an annual preventative maintenance program as the most fundamental element in the City's strategy to preserve and extend the life of City streets in a cost effective and efficient manner. Street slurry sealing and cape sealing replaces fine aggregate stripped from the pavement surface, reduces water penetration in the roadway base and thereby reduces base failures and the resultant damage that is more costly to repair. Streets selected to be slurry sealed, cape sealed, or microsurfaced are based on several factors including the City's Seven-Year Master Plan, the City's computer based pavement management system recommendations, and visual observation of the streets.

The construction bid documents included a Base Bid and two Add Alternates. The Base Bid included slurry sealing and cape sealing approximately 10.7 miles of City streets, as shown on the attached plan. Add Alternate 1 included pavement repairs and cape seal of the parking lot at 271 – 92nd Street. Add Alternate 2 included slurry sealing and installing bicycle lanes on approximately 0.80 miles of Southgate Avenue. The City was awarded a Bicycle Facilities Program (BFP) grant of 49% of bike lane installation costs up to a maximum of \$25,500 from the Bay Area Air Quality Management District (BAAQMD). This grant provided partial funding for the installation of the bicycle lanes on Southgate Avenue, closing an existing gap in the Southgate Avenue bike lanes between Westmoor Avenue and St. Francis Boulevard.

Discussion

American Asphalt Repair Resurfacing of Hayward, California, has completed all improvements required by the construction contract documents for a total amount of \$865,688.26. The original contract award was for \$806,627.60 and two contract cost adjustments in the amount of \$59,060.66 (7.3% of original contract) were issued to cover the cost of additional pavement repairs along Southgate Avenue and slurry sealing on the following additional streets.

1. Lake Forest Drive from Westlawn Avenue to Lake Vista Avenue.
2. Lake Vista Avenue from Belmont Drive to Fieldcrest Drive.
3. Westlake Avenue from Cliffside Drive to Sheffield Drive.

The streets listed above were not included in the original slurry seal contract to avoid conflict with the Department of Water & Wastewater Resources' maintenance work. Since this work was completed prior to completion of the 2010 slurry seal contract, staff added these streets to complete the slurry seal work in the Westlake area of the City which was performed in 2009.

Fiscal Impact

The contract was completed in the total amount of \$865,688.26 with funds available in the Capital Improvement Project accounts 17-312-618-4509, 17-312-668-4509 and 31-312-582-4509.

Summary/Conclusion

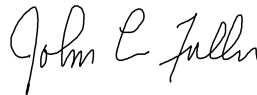
The contractor's work is now complete and acceptable for City maintenance. Staff recommends that the City Council accept the completed improvements for the City's maintenance and use.

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

Respectfully submitted,



Ravi Gehani
Acting City Engineer

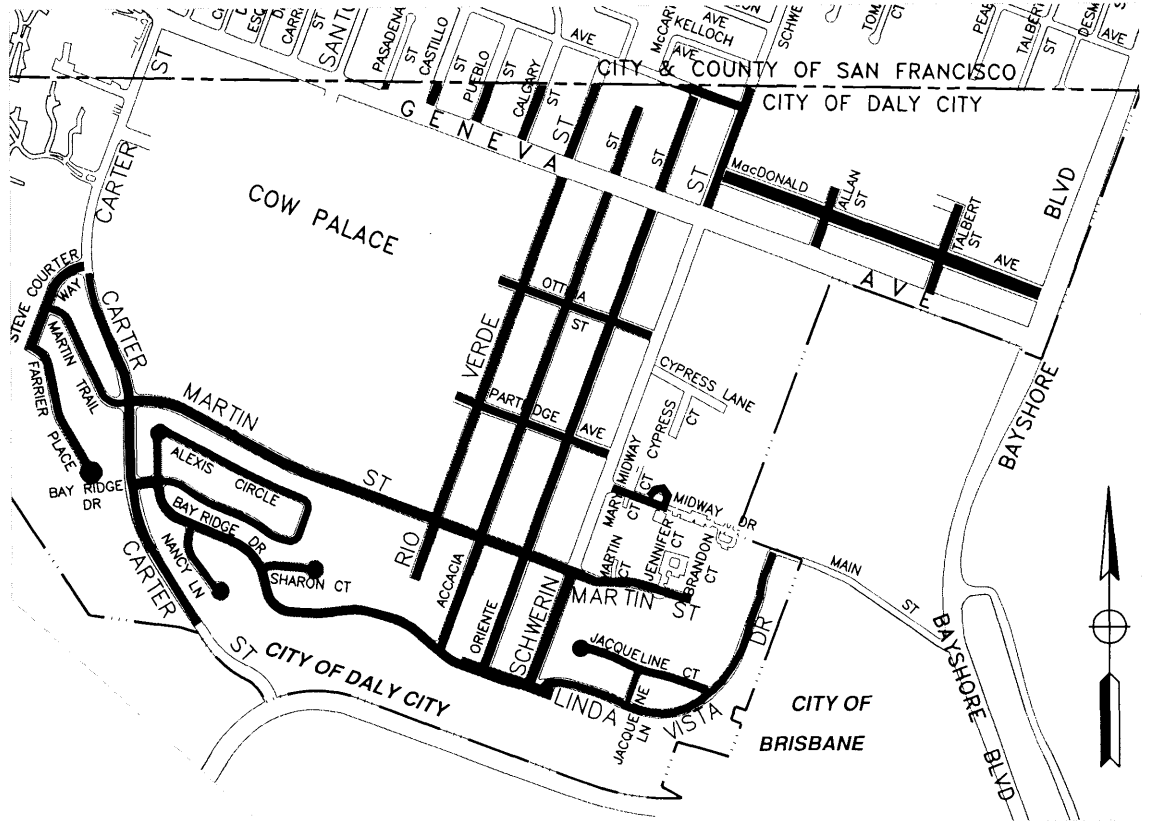
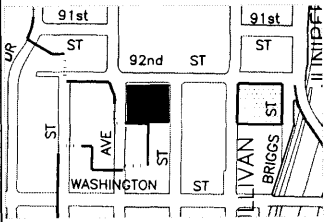
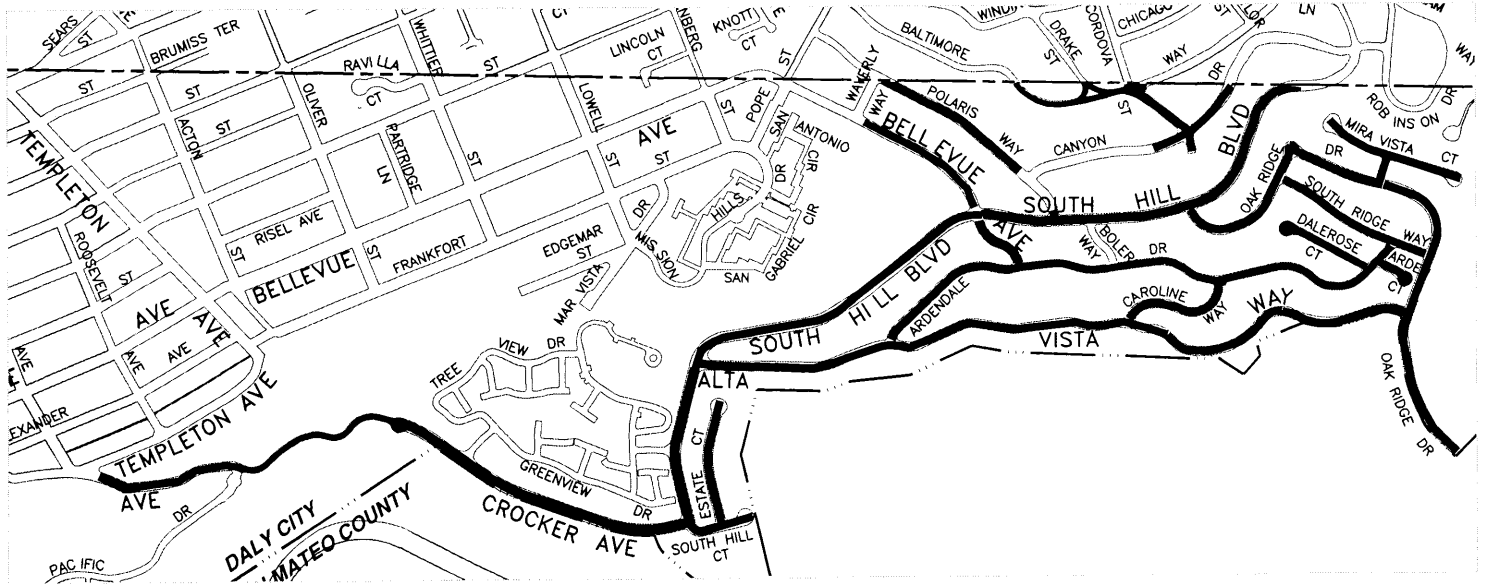


John L. Fuller
Director of Public Works

Attachments: Location Map
Notice of Completion and Resolution

CITY OF DALY CITY
SAN MATEO COUNTY, CALIFORNIA

PROJECT PLANS FOR CONSTRUCTION OF
STREET SLURRY SEAL AND CAPE SEAL 2010



- SLURRY SEAL OR CAPE SEAL
- - - SLURRY SEAL AND BIKE LANES

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

OFFICE OF THE CITY CLERK
CITY OF DALY CITY
333 - 90th Street
Daly City, California 94015

Notice of Completion

NOTICE IS HEREBY GIVEN as follows:

1. The date of completion of the work of improvement is: February 14, 2011
2. The owner of the work of improvements is: City of Daly City, a Municipal Corporation.
3. The address of the owner of the work of improvement is: City Hall
333 - 90th Street
Daly City, California 94015
4. The nature of the owner's interest or estate is: In fee.
5. The work of improvement is located in Daly City, California, and is particularly described as follows:

STREET SLURRY SEAL AND CAPE SEAL 2010

6. The name of the original contractor for the work of improvement is:

American Asphalt Repair & Resurfacing
24200 Clawiter Road
Hayward, CA 94545

Dated: _____

The undersigned, being duly sworn, says: That he is the owner of the aforesaid interest or estate in the property described in the foregoing notice; that he has read the same, and knows the contents thereof, and that the facts stated therein are true.

CITY OF DALY CITY, OWNER

Ravi Gehani, Acting City Engineer

STATE OF CALIFORNIA,

COUNTY OF _____ } ss.

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20 _____,

by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature _____

Name (Typed or Printed)
Notary Public in and for said County and State

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY ACCEPTING
COMPLETION OF CERTAIN PROJECT IN THE
DEPARTMENT OF PUBLIC WORKS

(STREET SLURRY SEAL AND CAPE SEAL 2010)

A. The Project Manager has advised that the project set forth hereinafter has been completed in accordance with the terms of the contract with the City of Daly City and, **AMERICAN ASPHALT REPAIR AND RESURFACING**, a California Corporation.

B. The City Council of the City of Daly City desires to acknowledge the completion of such project so that notice of completion may be given.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daly City that pursuant to the above, the City of Daly City does hereby accept as complete the following described project:

STREET SLURRY SEAL AND CAPE SEAL 2010

BE IT FURTHER RESOLVED by the City Council of the City of Daly City that said project be, and it is hereby accepted as complete, and at the expiration of thirty-five (35) days from this date, final payment in connection with this project be, and it is hereby authorized, provided that all statutory liens, claims and withholds are satisfied pursuant to law.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a regular meeting thereof held on the _____ day of _____, 20____, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmen: _____

NOES, Councilmen: _____

ABSENT, Councilmen: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY



City Council Agenda Report

Item # _____

Meeting Date: February 14, 2011

Subject: Countywide Subregion Membership to Administer ABAG's Regional Housing Needs (RHNA) Allocation

Recommendation

Approve the attached resolution authorizing the City of Daly City to become a member of a countywide subregion, an entity that would locally administer ABAG's Regional Housing Needs Allocation Process (RHNA)) as part of the regional Sustainable Communities Strategy in accordance with the staff recommendation.

Background

In 2006 and 2007 the City/ County worked with C/CAG and the County of San Mateo Housing Department to facilitate the formation and operation of a subregion for San Mateo County that included the 20 cities and the County. The purpose of the subregion was to receive a subregional allocation for housing and for the subregion to determine the allocation for each land use agency. Daly City staff met on a regular basis with other San Mateo County subregion jurisdictions. Through this process, the City was able to express land use planning and development policy concerns specific to Daly City and to consider challenges facing other San Mateo County communities. Out of this effort, a set of locally determined housing allocations for all members of the subregion was produced. These allocations were then to be used for each agency's 2009 Housing Elements. The process was successful and resulted in a much more positive engagement with the cities and the County.

SB 375 has established the requirement for a Sustainable Communities Strategy to reduce the greenhouse gas emissions from small trucks and automobiles. This is being addressed at the regional level by the Joint Policy Committee (JPC) that includes the Association of Bay Area Governments (ABAG), Metropolitan Transportation Commission (MTC), Bay Conservation Development Commission (BCDC), and Bay Area Air Quality Management District (BAAQMD). Part of this strategy is to link land use and transportation decisions. It is important that all the transportation and land use agencies in San Mateo County work together to define what can realistically be accomplished in San Mateo County. Every eight years the Sustainable Communities Strategy and the Regional Housing Needs Assessment (RHNA) must be consistent. The establishment of the initial Sustainable Community Strategy will also include an update to the RHNA even though it was done in 2007. The new cycle will be eight years instead of seven.

State law now allows cities within the County to join together to form a subregion, a consortium that would administer the State mandated Regional Housing Needs Allocation (RHNA) program at

City Council Agenda Report**Subject: Countywide Subregion Membership to Administer ABAG's Regional Housing Needs (RHNA) Allocation****Meeting Date: February 14, 2011****Page 2 of 3**

the local level. Each member jurisdiction of a subregion must submit a resolution to the Association of Governments (ABAG) requesting authority to locally administer the program by March 16, 2011. ABAG would then adopt a resolution approving the formation of the subregion. This process would establish the housing numbers to be used in each city or county as part of the Housing Element update for 2012. C/CAG would like to form a sub-region consisting of all the cities and the County.

A subregion may be comprised of two or more contiguous cities. The City/ County Association of Governments of San Mateo County (C/CAG) has indicated interest in supporting this effort if the individual cities and the County are interested. Therefore, C/CAG is coordinating the creation of a countywide "sub-region" that includes most if not all the cities and County. C/CAG is committed to provide facilitation and staff support as necessary

Subregions must follow the same substantive and procedural rules and guidelines that ABAG follows when distributing housing allocations. Subregions must also enter into an agreement with ABAG that specifies the process, timing, and other terms and conditions for administering the local housing needs determination process.

Discussion

Creating a subregion in San Mateo County to administer the allocation process significantly increases local control. Members of the subregion will have the flexibility to negotiate with other members for adjustments to their allocations. Jurisdictions that want fewer units might offer incentives to other jurisdictions that might accept additional units. Incentives could include cash payments to help subsidize the cost of providing services for new development or the costs of roadway and transportation improvements. Or, perhaps, jurisdictions that want fewer units could be required to make cash payments to the Housing Endowment and Regional Trust of San Mateo County to help build more housing in the County. This concept of swap and credits is not possible under state law using the current ABAG process. However, swaps and credits can be developed through the subregional delegation process. Since it is also part of the Sustainable Communities Strategy the subregion will be balancing three variables: housing, employment, and location.

Fiscal Impact

This effort would require in-lieu staff support provided under current approved budget and may result in additional housing analysis by the City; however, it will build upon or use current programs currently underway. C/CAG will provide primary staff support.

City Council Agenda Report

Subject: Countywide Subregion Membership to Administer ABAG's Regional Housing Needs (RHNA) Allocation

Meeting Date: February 14, 2011

Page 3 of 3

Conclusion

In 2006 and 2007 the City/ County worked with C/CAG and the County of San Mateo Housing Department to facilitate the formation and operation of a subregion for San Mateo County to receive a subregional allocation for housing and for the subregion to determine the allocation for each land use agency. Creating a subregion in San Mateo County to administer the allocation process significantly increases local control and therefore, staff supports the City of Daly City participating in the subregional RHNA process.

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

Respectfully submitted,



Tatum Mothershead
Planning Manager



Richard Berger
Director of Economic & Community Development

Attachments

Attachment A – Resolution

RESOLUTION NO. 11-XX

**CITY COUNCIL, CITY OF DALY CITY, STATE OF CALIFORNIA
RESOLUTION SUPPORTING THE CITY OF DALY CITY TO BECOME A
MEMBER OF A COUNTYWIDE SUBREGION, AN ENTITY THAT WOULD
LOCALLY ADMINISTER ABAG'S REGIONAL HOUSING NEEDS
ALLOCATION PROCESS (RHNA).**

WHEREAS, SB 375 requires the development of a Sustainable Community Strategy including consistency every eight years with the Regional Housing Needs Allocation process; and,

WHEREAS, the Association of Bay Areas Governments (ABAG) is required by State law to administer the Regional Housing Needs Allocation program in the Bay Area; and

WHEREAS, ABAG has begun preliminary work on developing the program with the objective of completing the program in August of 2012; and

WHEREAS, State law allows administration of the program to local jurisdictions who create sub-regions for the purposes of distributing housing need allocations among the members of the sub-region; and

WHEREAS, a subregion is defined as two or more cities in a County or any combination of geographically contiguous local governments; and

WHEREAS, the **City of Daly City** desires to become part of a subregion in San Mateo County; and

WHEREAS, the City/ County Association of Governments of San Mateo County (C/CAG) will facilitate and provide staff support; and

WHEREAS, each member of a subregion must adopt a resolution authorizing its inclusion in the subregion; and

WHEREAS, adopted resolutions must be sent to ABAG by March 16, 2011; and

WHEREAS, ABAG must adopt a resolution approving the subregion;

NOW, THEREFORE, BE IT RESOLVED that **City of Daly City** agrees to participate in the process to establish realistic housing allocations among the subregion (cities and the County) for use in the next housing element that is due in 2012. Adoption of this resolution indicates the Council's intention to participate in the subregion process for San Mateo County and to designate the City/ County Association of Governments of San Mateo County (C/CAG) as the official representative of the San Mateo County subregion. This resolution is submitted to the Association of Bay Area Governments (ABAG) for inclusion in the Resolution designating the subregion.



City Council Meeting Agenda Report

Item # _____

Meeting Date: February 14, 2011

Subject: Proposed Assignment of Recreation Services Manager (APCM) and Library Services Manager (APCM) Classifications to Miscellaneous/Unrepresented Salary Schedule Range 64

Recommended Action

That the City Council adopt by resolution the proposed assignment of the newly established Recreation Services Manager and Library Services Manager classifications to the Miscellaneous/Unrepresented Salary Schedule, Range 64.

Background

In spring 2010, the City utilized an outside consultant to conduct an in-depth review of the Parks & Recreation Department in an effort to ensure that citizens are receiving the best possible services in a cost-effective manner. As a result of this review, it was recommended that the organizational structure of this department change including the transfer of the Parks Maintenance Division to the Department of Public Works, which was effective in January of this year. Also included in the review was the recommendation to merge the City's Library Department with the Recreation Division, which is slated to take place in June 2011. This reorganization and restructuring of workload and responsibilities will result in the need for a Recreation Services Manager and a Library Services Manager.

Discussion

None

Fiscal Impact

The newly created Recreation Services and Library Services Manager classifications are necessitated by the reorganization, which will result in cost-savings to the City.

Summary/Conclusion

That the City Council assign the new classifications of Recreation Services Manager and Library Services Manager to the Miscellaneous/Unrepresented Salary Schedule, Range 64.

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

Respectfully submitted,

Shawna Maltbie
Director of Human Resources

City Manager/City Council

City of Daly City Budget Transfer/Adjustment

Account Number

Account Name

Program/Project Name

Amount

Finance Only:

Use of Funds:

01-120-120-4234

Special Departmental

\$4,487.53

Budget Balance

Before

After

28,936.08

33,423.61

\$4,487.53

\$

\$

Source of Funds:

Reduced Expenditures:

New Revenue:

01-120-120-3840

Private Donation

4,487.53

1042.78

5530.31

\$

\$

Total Source of Funds

\$4,487.53

For Capital Projects Only - Transfer of Funding Between Projects

From Account Number

Name/Type Code

Amount

To Account Number

Name/Type Code

Amount

Finance Only:

Verified By/Date

★ 1/25/11

Entered By/Date

Audited By/Date

Document No.

Department/Division: City Manager/
Community Promotion **Date:** January 27, 2011

Month/Fiscal Year: February/2010-2011

Request \$42,412 be appropriated from the General Fund Balance (01-2400)
and transferred to the City Manager's Community Promotion account.
\$42,412 was awarded to the Housing Endowment and Regional Trust (HEART)
of San Mateo County, representing Daly City's dues for FY 2010-2011.

Patricia Martel
Department Head

Patricia S. Martel
City Manager/City Council



City Council Agenda Report

Item # _____

Meeting Date: February 14, 2011

Subject: Award of Construction Contract for the Top of the Hill Improvements - Mission Street

Recommended Action

Staff recommends that the City Council accept all bids, waive minor irregularities, and award a construction contract to Ghilotti Bros., Inc. of San Rafael, California, in the amount of \$3,444,267 for the subject project and authorize the City Manager to execute the contract. Staff further recommends that the City Council authorize City staff to rebid the project without further action by the City Council, if Ghilotti Bros., Inc. fails to execute the contract within the time limit specified in the bid documents.

Staff further recommends that the City Council adopt a separate resolution amending the traffic regulations along Mission Street, Los Olivos Avenue, Hillside Boulevard, John Daly Boulevard, Knowles Avenue, Alp Street, Theta Avenue, Vista Grande Avenue and Parkview Avenue to conform parking and traffic control regulations to the project plans.

Background

The Top of the Hill area of Mission Street is a historical focal point of the Mission Street corridor in Daly City and a focal point of the Grand Boulevard Initiative. The intersection of John Daly Boulevard and Missions Street at the Top of the Hill is also the highest demand service location within the Samtrans service area with estimated 600-800 boardings per day. The City has conducted several studies outlining the need for improved pedestrian and transit facilities along the Mission Street corridor and at this major focal point of the Grand Boulevard Initiative. The City has been awarded approximately \$2.3 million from the Metropolitan Transportation Commission (MTC) and San Mateo County Association of Governments (C/CAG) through their Transportation for Livable Communities (TLC), Housing Incentive Program (HIP) and Transportation Oriented Development (TOD) programs for the design and construction of pedestrian and transit improvements at the Top of the Hill. Samtrans has also awarded the City \$700,000 in Grand Boulevard Initiative funding for the project.

The project includes the construction of a pedestrian/transit plaza at the Mission Street/John Daly Boulevard intersection with a custom designed pergola structure with wind screening and a new bus shelter, and pedestrian safety and mobility improvements along Mission Street from John Daly Boulevard to Parkview Avenue as well as streetscape/landscape improvements along the corridor. The pedestrian and streetscape improvements include bulb-outs at intersections to make pedestrians more visible to traffic and shorten street crossings, a new pedestrian crossing at the north leg of the John Daly Boulevard intersection, widening of the west sidewalk between Theta Avenue and Parkview Avenue, new street trees, pedestrian scale lighting and modified median islands with new landscaping. The project also includes the relocation and upgrade of the water main along the west side of Mission Street from John Daly Boulevard to Parkview Avenue.

The construction of the intersection bulb-outs, relocation of the bus stop on the east side of Mission Street, reconfiguration of Knowles Avenue at John Daly Boulevard, re-phasing of the traffic signal at the Mission Street/Hillside Boulevard/John Daly Boulevard intersection and the reconfiguration of parking spaces requires amendment of the traffic regulations along Mission Street, Los Olivos Avenue, Hillside Boulevard, John Daly Boulevard, Knowles Avenue, Alp Street, Theta Avenue, Vista Grande Avenue and Parkview Avenue.

To allow for flexibility in contract award, the project included two base bid schedules, two additive alternates and one deductive alternate. Base bid 1 included the construction of the pedestrian, streetscape and water main improvements along the project length, a pedestrian and transit plaza at the northwest corner of Mission Street at John Daly Boulevard and base line traffic signal improvements at the Mission Street, John Daly Boulevard and Hillside Boulevard intersection. The base bid 1 plaza improvements included a complex version of the desired pergola structure at the west end of the plaza area. Base bid 2 included custom bus shelters at the plaza and near the John Daly Library/War Memorial Community Center as well as the installation of a Samtrans standard shelter at the southwest corner of John Daly Boulevard at Mission Street. Additive alternates 1 and 2 included supplemental traffic signal modifications required by Caltrans to be completed within five years of project implementation. The Deductive alternate was intended as a credit for a simpler design of the proposed pergola structure at the plaza area.

Discussion

Six (6) bids were received for this project on January 11, 2011 with total bids ranging from \$3,441,767 to \$5,294,751 for the base bids, add and deduct alternates. The following table summarizes the three lowest bids and the Engineer's Estimate:

Bidder	Base Bid 1	Base Bid 2	Add Alternate 1	Add Alternate 2	Deduct Alternate 1	Total Bid
1. Ghilotti Bros., Inc.	\$3,280,267.00	\$130,000	\$18,000	\$16,000	(\$2,500)	\$3,441,767.00
2. Bay Cities Paving and Grading, Inc.	\$3,828,811.69	\$174,000	\$23,000	\$21,000	(\$1,000)	\$4,046,311.69
3. Ghilotti Construction, Inc.	\$3,960,836.00	\$204,000	\$15,000	\$10,000	(\$33,000)	\$4,156,836.00
Engineer's Estimate	\$3,396,848.00	\$215,000	\$80,000	\$80,000	(\$125,000)	\$3,646,848.00

In consideration of the bids received, it is recommended that the contract award to the lowest responsible bidder include Base Bids 1 and 2, and Add Alternates 1 and 2. Deduct Alternative 1 is not recommended since savings associated with reduction in project scope is insufficient to justify award of the simpler pergola design and is a negligible change in overall project cost.

Ghilotti Bros, Inc. of San Rafael, California, has been in business since 1952. This bidder holds the required Class A contractor's license, which is current and in good standing. The bidder's references indicate acceptable work for the City and County of San Francisco. The bidder also successfully completed the emergency repairs along John Muir Drive for Daly City in 2008.

Bay Cities Paving and Grading, Inc. of Concord, California, has been in business since 1964. This bidder holds the required Class A contractor's license, which is current and in good standing. The bidder's references indicate acceptable work for Contra Costa County and the City of Martinez.

Ghilotti Construction of Santa Rosa, California, has been in business since 1992. This bidder holds the required Class A contractor's license, which is current and in good standing. The bidder's references indicate acceptable work for the City of San Pablo. The bidder successfully completed a project for Daly City in 2007.

Construction is anticipated to commence in March 2011 and be completed in December 2011.

Fiscal Impact

The project is jointly funded through various federal grants, local gas tax revenue for the required local match and funding of the street and plaza improvements. Water capital funds will be used for the water system improvements. As recommended by staff the contract award will be \$3,444,267 and the total allocated project construction budget will be \$4,045,000.

The project bid for the street and plaza improvements is \$2,795,417. With the inclusion of a ten percent (10%) construction contingency and eight percent (8%) project administration, inspection and laboratory sample collection and analysis budget the total budget for street and transit facility work will be \$3,299,000. \$150,000 will be transferred from the Junipero Serra Boulevard Rehabilitation project Account 17-312-689 to fund the project. After the transfer, sufficient funds will be available in the Capital Improvements Project Account 17-312-672 to fund the street and transit facility portion of the project.

The project bid for the water system improvements is approximately \$648,850.00. With the inclusion of a ten percent (10%) construction contingency and five percent (5%) for project administration and inspection the total project budget for water facility work will be \$746,000. Sufficient funds are programmed and available in the Capital Improvements Project Account 41-385-672 to fund the water system portion of the project.

The City will incur additional annual operating costs associated with the increased maintenance effort required for the landscaping, irrigation, streetscape, lighting and plaza area improvements that will likely be funded through Gas Tax and/or the General Fund similar to other streets and facilities or reallocation of maintenance resources from other areas in the city. City maintenance of the water system improvements will be borne by the water utility rate payers.

Summary/Conclusion

Staff recommends that the City Council accept all bids, waive minor irregularities, and award a construction contract to Ghilotti Bros., Inc. of San Rafael, California, in the amount of \$3,444,267 for the subject project and authorize the City Manager to execute the contract. Staff further recommends that the City Council authorize City staff to rebid the project without further action by

the City Council, if Ghilotti Bros., Inc. fails to execute the contract within the time limit specified in the bid documents.

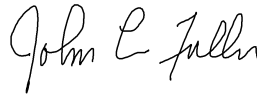
Staff further recommends that the City Council adopt a separate resolution amending the traffic regulations along Mission Street, Los Olivos Avenue, Hillside Boulevard, John Daly Boulevard, Knowles Avenue, Alp Street, Theta Avenue, Vista Grande Avenue and Parkview Avenue to conform to the project plans.

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

Respectfully submitted,



Robert Ovadia
Senior Civil Engineer



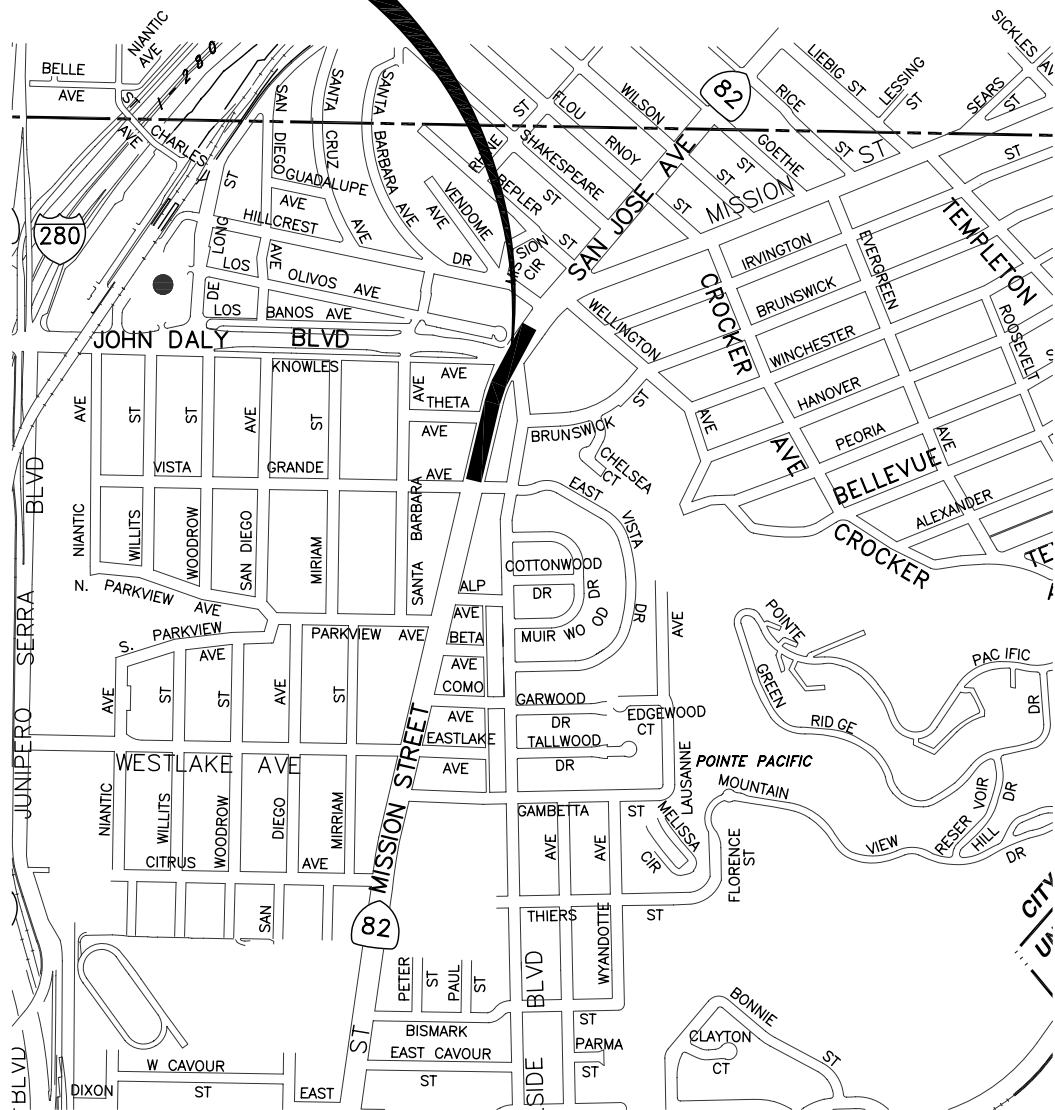
John L. Fuller
Director of Public Works

Attachments: Location Map for Top of the Hill Improvements

CITY OF DALY CITY
SAN MATEO COUNTY, CALIFORNIA

LOCATION MAP FOR
TOP OF THE HILL IMPROVEMENTS

PROJECT
LOCATION





City Council Agenda Report

Item # _____

Meeting Date: February 14, 2011

Subject: Award of Construction Contract for the City Hall Chiller Replacement Project (333 – 90th Street)

Recommended Action

Staff recommends that the City Council accept all bids, waive minor irregularities, and award a construction contract to R-E Corporation of Santa Rosa, California, in the amount of \$38,005, for the subject project and authorize the City Manager to execute the contract. Staff further recommends that the City Council authorize the City Manager to award the contract to the second lowest responsive bidder, Kinetics Mechanical Service, Inc., without further action by the City Council, if R-E Corporation fails to execute the contract within the time limit specified in the bid documents.

Background

This project includes replacement of the existing air-cooled chiller located at the top of the Police Department driveway with a more energy efficient model. This chiller has reached the end of its useful life and requires replacement.

On October 2, 2009, the Department of Energy (DOE) awarded \$873,900 in American Recovery and Reinvestment Act funds to Daly City through the Energy Efficiency and Conservation Block Grant (EECBG) program for various projects including replacement of the City Hall chiller. On December 14, 2009, the City Council adopted a resolution accepting EECBG funds from the Department of Energy and appropriated the funds to the proposed energy efficiency projects.

Discussion

Eight (8) bids were received for this project on January 18, 2011 with total bids ranging from \$38,005.00 to \$48,892.00. The following table summarizes the three lowest bids and the Engineer's Estimate:

Bidder	Total Bid	Comment on Bidder
1. R-E Corporation	\$38,005.00	Responsive
2. Carrier Corporation	\$39,992.00	Non-responsive
3. Kinetics Mechanical Service, Inc.	\$41,142.00	Responsive
Engineer's Estimate	\$37,000.00	

R-E Corporation of Santa Rosa, California, has been in business since 1954. This bidder holds the required Class B contractor's license, which is current and in good standing. The bidder's references indicate acceptable work for the County of Marin and City of San Rafael.

Carrier Corporation of Syracuse, New York, failed to submit the Federal certifications as required by the contract bid documents and thus was deemed non-responsive.

Kinetics Mechanical Services, Inc. of Livermore, California, has been in business since 1997. This bidder holds the required Class B contractor's license, which is current and in good standing. The bidder's references indicate acceptable work for Western Construction and the Berryessa Union School District.

If the project is awarded as recommended construction is anticipated to commence in April 2011 and be completed in August 2011.

Fiscal Impact

The City was allocated \$873,900 in American Recovery and Reinvestment Act funds through the Energy Efficiency Conservation Block Grant program for the replacement of the HVAC system at Civic Center South, Doelger Senior Center Boiler Replacement, City Hall Chiller Unit Replacement and Light Emitting Diode (LED) lighting retrofits.

The project budget includes a ten percent (10%) contingency and ten percent (10%) for construction inspection and contract administration for a total project construction budget of \$45,606. A transfer will be made from the Civic Center South HVAC project Account 31-313-509 to fund the project. After the transfer, sufficient funds will be available in the City Hall Chiller Capital Project Account 31-200-509 to complete the chiller project.

Summary/Conclusion

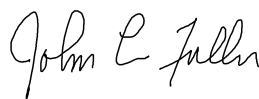
Staff recommends that the City Council accept all bids, waive minor irregularities, and award a construction contract to R-E Corporation of Santa Rosa, California, in the amount of \$38,005, for the subject project and authorize the City Manager to execute the contract. Staff further recommends that the City Council authorize the City Manager to award the contract to the second lowest responsive bidder, Kinetics Mechanical Service, Inc., without further action by the City Council, if R-E Corporation fails to execute the contract within the time limit specified in the bid documents.

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

Respectfully submitted,



Robert Ovadia
Senior Civil Engineer



John L. Fuller
Director of Public Works

Attachments: Location Map for City Hall Chiller Replacement

CITY OF DALY CITY
SAN MATEO COUNTY, CALIFORNIA

PROJECT LOCATION FOR CITY HALL CHILLER REPLACEMENT



ORDINANCE NO. 1354

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF DALY CITY AMENDING SECTION 2.04.060 OF
THE MUNICIPAL CODE RE: SPECIAL ELECTION TO FILL VACANCY

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

SECTION 1. Sections 2.04.060 of the Municipal Code is amended to read as follows:

2.04.060 Special Election to Fill Vacancy

A person appointed to fill a vacancy on the city council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term. Such a special election may be held on the date of the next regularly scheduled election to be held throughout the city in not less than one hundred fourteen days from the call of the special election.

SECTION 2. 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 3. Effective Date and Publication: This Ordinance shall be in full force and effect thirty (30) days from and after its passage. This Ordinance shall be published according to law.

SECTION 4. 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.

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF DALY CITY AMENDING SECTION 2.04.060 OF
THE MUNICIPAL CODE RE: SPECIAL ELECTION TO FILL VACANCY

Introduced this 24th day of January, 2011.

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 _____, 2011, 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 Agenda Report

Item # _____

Meeting Date: February 14, 2011

To: Honorable City Council
From: Anna Mostella, City Manager's Office
Date: February 2, 2011
Subject: Council Committee Meetings, January 25 – February 13, 2011

Date of Meeting:

January 20, 2011

Meeting:

General Plan Steering Committee

In Attendance:

Carol L. Klatt
Maggie A. Gomez
Patricia E. Martel
Rich Berger
Tatum Mothershead
Mike Van Lonkhuysen

January 27, 2011

Centennial Committee

Sal Torres
Maggie A. Gomez
Patricia E. Martel
Joseph Curran

February 8, 2011

Medical Marijuana Committee Mtg.

Carol L. Klatt
Michael P. Guingona
Rose Zimmerman
Rich Berger
Manuel Martinez
Eric Wollman
Kelly Schott

/am

cc: Rich Berger, ECD Director
Peter Pirnejad, ECD Asst. Director
Tatum Mothershead, Planning Manager
Mike Van Lonkhuysen, Senior Planner



**General Plan Steering Committee
Bicycle and Pedestrian Advisory Committee**

JOINT MEETING AGENDA FOR JANUARY 19, 2011

NOTICE OF JOINT GPSC/BPAC COMMITTEE MEETING

**Wednesday, January 19, 2011 – 6:00 p.m.
City Hall Administrative Conference Room – Third Floor
333 90th Street, Daly City**

AGENDA

- A. Roll Call**
- B. Communications and Announcements**
- C. New Business**
 - 1. Policy concepts for Draft Circulation Element related to bicycle and pedestrian circulation:** *This item will provide the General Plan Steering Committee and Bicycle and Pedestrian Advisory Committee with an opportunity to discuss the inclusion of potential policies related to bicycle and pedestrian circulation within Daly City.*
- D. Adjournment**

The General Plan Steering Committee is a public meeting at which the committee engages in a work study session. No decisions can be made at this meeting other than to request additional information or to move a matter to a Regular City Council Meeting. The public is encouraged to attend these meetings and receive the presentations.



General Plan Steering Committee Bicycle and Pedestrian Advisory Committee Joint Meeting Staff Report

MEETING DATE: JANUARY 19, 2011

SUBJECT: POTENTIAL POLICIES RELATED TO BICYCLE AND PEDESTRIAN CIRCULATION

FROM: DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
DEPARTMENT OF PUBLIC WORKS

PRESENTATION BY: MICHAEL VANLONKHUYSEN, SENIOR PLANNER
SHIRLEY CHAN, CITY TRAFFIC ENGINEER

RECOMMENDATION

Staff recommends that the Steering Committee and Bicycle and Pedestrian Advisory Committee review the policy concepts identified in this staff report and be prepared to provide staff with comments, questions, or concerns at the joint meeting, and offer any additional ideas for policy concepts related to bicycle and pedestrian circulation at the meeting.

BACKGROUND

The City is presently updating the Daly City General Plan, the document containing the long-term goals and policies that will be used by the Planning Commission and City Council to guide land use decisions in Daly City through the year 2030. When complete, the plan will contain seven State-mandated chapters, called *elements*, containing the City's future policies related such topics as housing, land use, public safety, and natural resource management. The Circulation Element, a portion of which will be discussed tonight, is one of these elements. In accordance with California Government Code Section 65302(b), every city and county must adopt a Circulation Element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities. Daly City's existing Circulation Element was adopted by the City Council in 1987.

Beginning this month (January 2011), the California Complete Streets Act (AB1358) requires that all cities, upon the next update of their Circulation Element, plan for the development of a *multimodal* transportation network. A multimodal transportation network is one which allows for effective travel by motor vehicle, foot, bicycle, and transit to reach key destinations within their community and the larger region. The law emphasizes the desire that cities prioritize the construction of public improvements that accelerate development of a balanced, multimodal transportation network. The General Plan Circulation Element provides a policy framework wherein both public and private projects efforts to enhance the multimodal transportation network are identified and, where necessary, funding mechanism(s) for their implementation explored.

More about the complete streets program can be found by visiting the State Office of Planning and Research at http://www.opr.ca.gov/planning/docs/Update_GP_Guidelines_Complete_Streets.pdf.

DISCUSSION

To assist in the effort of developing policy concepts for the Draft Circulation Element, staff is requesting that the committees review the following list of policy concepts related to pedestrian and bicycle circulation, and provide any additional ideas for improving these transportation modes within Daly City.

General Policies

- View transportation improvements (new and retrofit) as opportunities to improve safety, access, and mobility for all travelers and recognize bicycle, pedestrian, and transit modes as integral elements of the transportation system.
- Consider impacts to the existing and future bicycle and pedestrian network when completing environmental review for private development projects, and require mitigation measures where necessary and reasonable to ensure that these systems are not impacted.
- Actively comment on the environmental reviews completed by other public agencies and quasi-public agencies desiring to undertake projects within Daly City in an effort to ensure impacts to pedestrian and bicycle circulation systems are not impacted.
- As part of the effort to unify the Zoning Ordinance into a more broad set of development regulations (as identified in Policy LU 4.1C), review the City's public improvement (i.e., street, curb, sidewalk) standards to ensure that safe and effective bicycle and pedestrian circulation is accommodated to the same extent as the automobile.
- Ensure that as part of any reassessment of the City's Development Impact Fee (AB1600) that adequate and commensurate money is collected and distributed to City projects involving the expansion of Daly City's pedestrian and bicycle network. The amount of this allocation shall be determined at the time of the fee reassessment, should a reassessment occur.

Bicycle Policies

- Update the bicycle master plan and prioritized capital improvement programs that create and maintain a safe and logical bikeways system, is coordinated with the countywide system, and conveniently serves major areas of attraction, such as shopping centers, public buildings, parks, schools and places of employment.
- Develop and maintain a comprehensive bicycle network within Daly City, providing connections to BART, surrounding cities, employment, and shopping areas and schools.
- Continue to work toward installation of bicycle lanes throughout the city in accordance with the Bicycle Master Plan, to enhance recreational opportunities and make bicycling a more viable transportation alternative.
- Implement bicycle route improvements including signing, striping, paving and provision of bicycle facilities at employment sites, shopping centers, schools and public facilities.
- Require provision of secure covered bicycle parking for all future multifamily residential, commercial and office/institutional uses, and other key destinations, including public facilities such as transit stations. The requirement for such provision shall be detailed in the Zoning Ordinance and may be implemented through either code compliance during major remodel or environmental review undertaken as a part of the California Environmental Quality Act.

- Encourage provision of showers and lockers for employees as a part of all non-residential development by providing within the Zoning Ordinance a pre-specified parking reduction for projects that provide such facilities in perpetuity.
- Pursue regional funding and other sources for new bikeways to the extent possible under federal and State law.
- Work with transit providers to ensure that transit facilities are equipped with adequate bicycle carrying capacity.
- Work with local school districts to implement projects and activities that promote bicycling to school among students, parents, and staff.

Pedestrian Policies

- Develop a pedestrian master plan and prioritized capital improvement program that creates and maintains a walkable environment in Daly City, while raising the profile of walking as modes of transportation. This Master Plan should make specific recommendations for both Mission Street and Geneva Avenue.
- Update the Comprehensive Accessibility and Mobility Plan, and codify requirements for private replacement of non-compliant sidewalk curbs for redevelopment or significant rehabilitation of non-residential properties.
- Make street crossings easier and more accessible to pedestrians by widening sidewalks, adding medians, installing bulb-outs, and/or allowing more time for pedestrians to cross the street.
- Consider developing parking lot design guidelines for shopping center parking lots exceeding a certain size that maximizes safe pedestrian access from parking lots to storefronts and between storefronts.
- Work with BART on providing safe pedestrian access to and from the Daly City BART station that utilizes existing street level crossings on John Daly Boulevard and maximizes either existing or future grade separated crossing(s) at this location.
- Improve sidewalk conditions to increase ease of use for all pedestrians including those with strollers, wheelchairs, carts, walkers, and other walking assistance devices.
- Require as a condition of development/redevelopment project approval the provision of sidewalks and wheelchair ramps where lacking, repair or replacement of damaged sidewalks, and sidewalks that link directly to building entrances.
- Evaluate increasing the City standard for new sidewalk construction to at least five (5) feet wide.
- Explore amendments to the Zoning Ordinance which would allow for increased building setbacks at locations along Mission Street where existing sidewalk width is inadequate and/or less than optimal.
- Balance pedestrian mobility and bicycle accessibility and safety with vehicular congestion when considering intersection improvements to address level of service degradation.
- Create and foster a pedestrian friendly environment through physical amenities such as benches for resting, plazas, and landscaped areas.
- Work with local school districts to implement projects and activities that promote walking to school among students, parents, and staff.

- Provide a greater number of street trees throughout Daly City's neighborhoods (refer to Housing Element Policy HE-X).

CONCLUSION

Once the Committees have discussed the above policy list and any other policy concepts offered by individual committee members, staff will include the policies in the Draft Circulation Element that the General Plan Steering Committee will review later this year.