

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, April 09, 2012 - 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:

Proclaiming April 8-14, 2012 as National Library Week (Dorie Paniza, Vice President, Library Board of Trustees)

APPROVAL OF MINUTES:

Regular Meeting of March 12, 2012

APPROVAL OF AGENDA:

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine and may be approved by one roll call vote of the City Council. There shall be no separate discussion of the

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.

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. Accepting San Mateo County New Measure A Funds for the Lake Merced Boulevard In-Pavement Crosswalk Project
2. Amending Traffic Regulations as follows:
 - a. Re-designating one existing one-hour metered parking stall in front of 6771 Mission Street to a commercial loading/unloading (yellow) zone for the hours of 7:00 a.m. to 10:00 a.m., Monday through Saturday. (TSR 12-25)
 - b. Re-designating one existing one-hour metered stall in front of 6771 Mission Street to a 30-minute metered parking stall for the hours of 10:00 a.m. to 6:00 p.m., Monday through Saturday. (TSR 12-26)
 - c. Designating a 750-ft. four-hour limited parking (green) zone along the east curb of Callan Boulevard, commencing at the curb return of Southgate Avenue and extending in a southerly direction. The green zone is to be enforceable between the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturday. (TSR 12-29)
3. Authorizing Solicitation of Bids for Citywide Accessibility Improvements Project
4. Opposing Governor Brown's Proposed Budget Reductions to Early Care and Education Child Development Programs

Authorizing Budgetary Adjustments:

5. Appropriating Funds for Three MobilGov Computers and Mounts for Building Inspection Vehicles

END OF CONSENT AGENDA

PUBLIC HEARINGS:

6. Conduit Financing for the School House Station and Vista Grande Family Apartment Properties

Staff:

ZoBell

Recommended Action:

Open/Close Hearing

Adopt Resolution

Roll Call

RESOLUTIONS:

7. Afterschool Youth Recreation Program and Fee Increase

Staff:

Burns

Recommended Action:

Adopt Resolution

Roll Call

ORDINANCES:

8. Second Reading, Ordinance No. 1360, Repealing and Replacing Chapter 2.26 and Chapter 2.20 of Title 2 of the Daly City Municipal Code, and Amending Chapter 12.40 and Chapter 12.36 Re: Public Library and Recreation Commission

Staff:

Burns

Recommended Action:

Adopt Ordinance

Roll Call

9. Second Reading, Ordinance No. 1361, Adding Chapter 8.62 to the Daly City Municipal Code Relating to the Prohibition of Medical Marijuana Distribution Facilities

Staff:

Schott

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
11. City Council
12. Staff

ADJOURNMENT:

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

ROLL CALL: Councilmembers Present:

Sal Torres, Mayor
Raymond A. Buenaventura, Vice Mayor
David J. Canepa
Michael P. Guingona
Carol L. Klatt

Staff Present:

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

PRESENTATIONS:

Mayor Torres presented a proclamation proclaiming March 2012 as American Red Cross Month to Nora Daly, American Red Cross Volunteer, in recognition of its noble humanitarian mission. Nora Daly thanked the Council.

APPROVAL OF MINUTES:

Regular Meeting of February 13, 2012 and Regular Meeting of February 27, 2012

It was moved by Councilmember Canepa, seconded by Vice Mayor Buenaventura and carried to approve the minutes of February 13, 2012 and February 27, 2012.

APPROVAL OF AGENDA:

Mayor Torres asked for Council approval to make one change in the agenda to allow Sue Von Hagel from our Library to make a presentation.

It was moved by Councilmember Canepa, seconded by Councilmember Guingona and carried to approve the agenda, as amended.

Sue Von Hagel, Library Assistant II gave a report on the Girl Scouts 100 year history.

CONSENT AGENDA

Mayor Torres stated it was requested that the following item be taken at the end of the Consent Agenda: Item No. 12, Authorizing City Manager to Execute Notice of Withdrawal from the Housing Endowment and Regional Trust Joint Powers Agreement.

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CONSENT AGENDA: Continued

RESOLUTIONS:

Authorizing Execution of Contracts and Agreements for Leases, Permits, and Certifications for Maintenance on Mussel Rock Landfill Site

Resolution No. 12-27, Authorizing Execution of Contracts and Agreements for Leases, Permits and Certifications for Maintenance on Mussel Rock Landfill Site

Noticing Completion for Street Resurfacing 2011

Resolution No. 12-28, Accepting Completion of Certain Project in the Department of Public Works (Street Resurfacing 2011)

Noticing Completion for Junipero Serra Boulevard, Hoffman Street, and San Pedro Road Rehabilitation

Resolution No. 12-29, Accepting Completion of Certain Project in the Department of Public Works (Junipero Serra Boulevard, Hoffman Street and San Pedro Road Rehabilitation)

Authorizing Solicitation of Bids for the Distribution System Valve Replacement Project

Resolution No. 12-30, Approving Bid Documents and Authorizing Bid Invitations Re: Distribution System Valve Replacement Project

Setting Time and Place for a Public Hearing to Consider One-Year HUD Action Plan for Fiscal Year 2012-2013, Hearing 4/23/12

Resolution No. 12-31, Setting Time and Place of Public Hearing on Daly City's One-Year Action Plan for Fiscal Year 2012-2013 under the Community Development Block Grant and HOME Programs, Hearing 4/23/12 – 7:00 P.M.

Revising Existing Library Assistant III Job Specification (Civil Service)

Resolution No. 12-32, Adopting Revised Job Specifications for the Position of Library Assistant III

Adopting Daly City's Local Hazard Mitigation Plan

Resolution No. 12-33, Adopting Daly City's Local Hazard Mitigation Plan

Reassigning of Library Services Manager and Recreation Services Manager to Range 96 of Miscellaneous Unrepresented Salary Schedule

Resolution No. 12-34, Approving Reassignment of Library Services Manager and Recreation Services Manager to Range 96 of the Miscellaneous Unrepresented Salary Schedule

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CONSENT AGENDA: Continued

RESOLUTIONS: Continued

Authorizing the City Manager to Execute the Memorandum of Agreement with the San Mateo County Human Services Agency to Provide the Science, Technology, Engineering and Math Program

Resolution No. 12-35, Authorizing and Approving the Memorandum of Agreement with San Mateo County Human Services Agency to Provide Science, Technology, Engineering, and Math Program (STEM)

Supporting Proposition 29 - the California Cancer Research Act of 2012

Resolution No. 12-36, Support of Proposition 29 – The California Cancer Research Act of 2012

Setting Time and Place of Public Hearing for March 26, 2012 Re: Ordinance Prohibiting Medical Marijuana Dispensaries, Hearing 3/26/12

Resolution No. 12-37, Setting Time and Place of Public Hearing Re: Ordinance Prohibiting Medical Marijuana Dispensaries (Hearing Date: March 27, 2012, Time: 7:00 P.M.)

END OF CONSENT AGENDA

It was moved by Councilmember Canepa, seconded by Vice Mayor Buenaventura and carried to approve and adopt the Consent Agenda, as amended.

RESOLUTIONS:

Authorizing City Manager to Execute Notice of Withdrawal from the Housing Endowment and Regional Trust Joint Powers Agreement

City Manager Patricia Martel stated, in keeping with Council's direction and due to the City's financial constraints, the City would withdraw from HEART at the present time. The City Council can reconsider the City's withdrawal when city funds are available.

Pat Saunders, representative of HEART/Broadmoor Presbyterian Church/Peninsula InterFaith Action was disappointed that the City was withdrawing from HEART but hoped the City Council will keep the door open to return in the future.

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

Resolution No. 12-38, Authorizing Withdrawal from the Housing Endowment and Regional Trust (HEART) Joint Powers Agreement

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PUBLIC HEARINGS:

Appeal of the Findings and Order of the Administrative Hearing Board for 1023 Hanover Street (APN 004-112-150) Rosario Sievers, Property Owner

Code Enforcement Officer Kathy Campbell gave a PowerPoint presentation and reviewed the matter of a code enforcement action related to construction activities without a building permit at 1023 Hanover Street, the determination of violation, and an order to abate issued by the Administrative Hearing Board on January 26, 2012.

Staff is requesting that the City Council affirm the Administrative Hearing Board Order issued to Rosario Sievers to abate violations relative to property at 1023 Hanover Street.

Mayor Torres opened the public hearing.

Peter Batio, representing the owner, provided handout material on the appeal and asked the Council to postpone their decision and grant an extension until December 2012 when the property owner's loan modification is in order, or return to the Hearing Board to amend the order to pertain only to violations committed by Ms. Sievers, or request the Board to cite the regulations that states it is illegal.

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

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

Resolution No. 12-39, Confirming and Adopting the Findings of the Administrative Appeal Board, Declaring Residential Premises to be a Public Nuisance, and Allowing Such Costs, Penalties and Assessments to be Rendered and Recorded as a Lien or Assessment (1023 Hanover Street, Daly City, California)

COMMUNICATIONS:

Fiscal Year 2011-2012 Mid-Year Budget Update

Director of Finance and Administrative Services Don McVey gave a PowerPoint presentation and a financial update on the City's fiscal year 2011-2012 mid-year budget.

State Senator Leland Yee addressed the Governor's budget cuts and revenue plan for last year as well as this year's budget cut and revenue proposal. He also addressed the issue of the closing of redevelopment agencies and the responsibility of the obligations of the Successor Agencies.

City Manager Patricia Martel gave an overview on what the City has done to address the structural deficit. Ms. Martel also gave a PowerPoint presentation and review of the Guiding Principles and Priorities the Council has established for direction in preparing the budget.

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COMMUNICATIONS: Continued

Fiscal Year 2011-2012 Mid-Year Budget Update – Cont'd.

Councilmember Guingona suggested addressing enhancing the quality of health along with the quality of life in our Guiding Principles.

Councilmember Klatt stated she was once opposed to the bicycle lanes but now sees the benefit of having them. People are now using them to walk in and the lanes are slowing traffic down.

Councilmember Canepa suggested looking into enhancing larger businesses under Economic Development and Revenue Enhancement. Under the Land Use Priority, Councilmember Canepa also suggested changing the language as follows: “Enhance the physical development of the community ~~without compromising~~ *consistent with* sound environmental and other land use policies”.

RESOLUTIONS:

Approval of the Expanded Summer Youth Recreation Program

Recreation Services Manager Denise Brown gave an overview on the Expanded Summer Youth Recreation Program and recommended that the Council approve the expanded program and adopt the fees associated with the expanded program.

The proposed program expansion would allow for participants to register for either an all-day program or a half-day program. The proposed cost for an all-day program is \$60 for Daly City residents and \$75 for non-residents. The proposed cost of a half-day program reflects a weekly increase from \$25 to \$30 for Daly City residents and \$37 for non-residents.

Assistant City Manager and Interim Director of the Department of Library and Recreation Services Kerry Burns stated if the Council approves the fee schedule this evening, it would result in a reduction of \$60,000 in general fund subsidy to this program, and adding \$25,000 in additional program revenue.

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

Resolution No. 12-40, Approving Expanded Summer Youth Recreation Program

Authorizing Daly City’s Reinstatement as a Member of the San Francisco International Airport/Community Roundtable and Appointment of City Representatives

Assistant to the City Manager Joseph Curran stated, it is recommended that the City Council adopt a resolution indicating its intent to reinstate Daly City as a full dues paying member of the San Francisco International Airport/Community Roundtable and designate a representative and alternate to represent Daly City at Airport Roundtable meetings.

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RESOLUTIONS: Continued

Authorizing Daly City's Reinstatement as a Member of the San Francisco International Airport/Community Roundtable and Appointment of City Representatives – Cont'd.

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

Resolution No. 12-41, Authorizing Daly City's to be Reinstated as a Member of the San Francisco International Airport/Community Roundtable and Appointment of City Representatives

It was moved by Councilmember Canepa, seconded by Councilmember Klatt to appoint Vice Mayor Buenaventura as the City's Representative to the Airport Roundtable.

It was moved by Mayor Torres, seconded by Councilmember Canepa to appoint Councilmember Klatt as the City's Alternate to the Airport Roundtable.

Authorizing Mayoral Appointments to the Redevelopment Oversight Board

City Manager Patricia Martel stated in accordance with the implementation of ABx1 26 and the subsequent dissolution of the redevelopment agency, Daly City was named as the Successor Agency for our redevelopment agency. We are now moving forward with the Successor Agency Oversight Board.

The County of San Mateo, the County Board of Education, Community College and the Bayshore Sanitation District have made their appointments. The Mayor has two appointments through ABx1 26. The appointments need to be made as soon as possible so we may move forward with scheduling the first oversight meeting prior to April 15th.

Councilmember Klatt motioned to appoint the Mayor and City Manager to the Daly City Successor Agency Oversight Board.

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

Resolution No. 12-42, Approving Appointments to the Redevelopment Successor Agency Oversight Board

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

Richard Rocchetta, Vice President of the History Guild of Daly City/Colma, invited the Council to the History Museum Open House, Saturday, March 17th from noon to 3:00 p.m.

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APPOINTMENTS:

Board/Commission Membership Committee Appointments

There were no appointments.

REPORTS:

Council Committee

There were no reports.

City Council

Councilmember Canepa reported he visited the Korean Church and wanted to thank Reverend Quan and Lorraine Lee for their hospitality.

Councilmember Klatt reported she and the City Manager attended the Bayshore Elementary School District School Board meeting last week. They did a survey on combining the Bayshore School District with Brisbane School District.

Mayor Torres reported he spoke at the San Francisco Bulls press conference, the new hockey team that is calling Daly City's Cow Palace home for the next ten years,

Staff

There were no reports.

ADJOURNMENT:

It was moved by Councilmember Canepa and carried to adjourn the meeting at 8:52 P.M. in memory of Sarah Marie Kelechava, Maria Ingram and Neil Pezzola.

City Clerk

Approved as submitted, this _____
day of _____, 2012.

Mayor



City Council Agenda Report

Item # _____

Meeting Date: April 9, 2012

Subject: Acceptance of San Mateo County New Measure A Funds for the Lake Merced Boulevard In-Pavement Crosswalk Project

Recommended Action

Staff recommends the City Council accept the San Mateo County New Measure A grant funding, appropriate the grant funds and authorize the City Manager, or her designee, to execute the Funding Agreement with the San Mateo County Transportation Authority for grant funds to construct the Lake Merced Boulevard In-Pavement Crosswalk project.

Background

On November 2, 2004, the voters of San Mateo County approved the continuation of the Measure A half cent transaction and use tax for an additional 25 years. Collection and distribution of the Measure A tax is by the Transportation Authority in order to implement the 2004 Transportation Expenditure Plan, beginning January 1, 2009 ("New Measure A"). Measure A funds may only be used for transportation facilities and services.

In March 2011, the City Council authorized staff to submit an application to the City/County Association of Governments of San Mateo County (C/CAG) and the Transportation Authority for a grant to fund a high-visibility crosswalk on Lake Merced Boulevard 280 feet north of Belmar Avenue. The City's application requested \$77,000 in grant funds to install a lighted in-pavement crosswalk system.

Discussion

Approximately \$3.9 million was available for funding projects in San Mateo County. C/CAG and the Transportation Authority received 41 grant applications totaling \$11.2 million. The Lake Merced Boulevard Lighted In-Pavement Crosswalk was one of the projects selected to receive New Measure A funding. Final project approval and authorization to proceed is given after the fully executed funding agreement is signed by both the Transportation Authority and the City.

The proposed project includes the installation of a lighted in-pavement crosswalk warning system and a curb bulb-out on Lake Merced Boulevard. The pedestrian-activated lighted in-pavement crosswalk system includes pedestrian push buttons mounted on poles on both sides of the crosswalk and will increase motorists' aware of pedestrian activities between Westlake Shopping Center and the adjacent neighborhood. The sidewalk bulb-out effectively shortens the street crossing distance and time wherein pedestrians are in the street and in a more exposed position.

Fiscal Impact

The City has been awarded a grant of \$77,000. The required local match in the amount of \$33,000 will be made available through a cash contribution payment by the developer/owner of the Westlake Shopping Center through an existing Agreement dated April 8, 2008. Alternatively, if the

**Acceptance of San Mateo County New Measure A Funds for
the Lake Merced Boulevard In-Pavement Crosswalk Project**
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developer funds become unavailable for any reason, the Public Works Department will utilize Gas Tax funds for the grant's local matching fund requirement available in Gas Tax fund balance 17-2600. The awarded grant funds, and local match amount if needed, should be appropriated to 17-312-633 to establish a budget for the project.

Summary/Conclusion

Recommend that City Council accept and appropriate the New Measure A grant funds to 17-312-633, and authorize the City Manager, or her designee, to execute the Funding Agreement for the Lake Merced Boulevard In-Pavement Crosswalk project, and authorize appropriation and use of Gas Tax funds available in 17-2600 for the local match should this become necessary in the event a developer contribution is unavailable.

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

Respectfully submitted,



Shirley Chan
Traffic Engineer

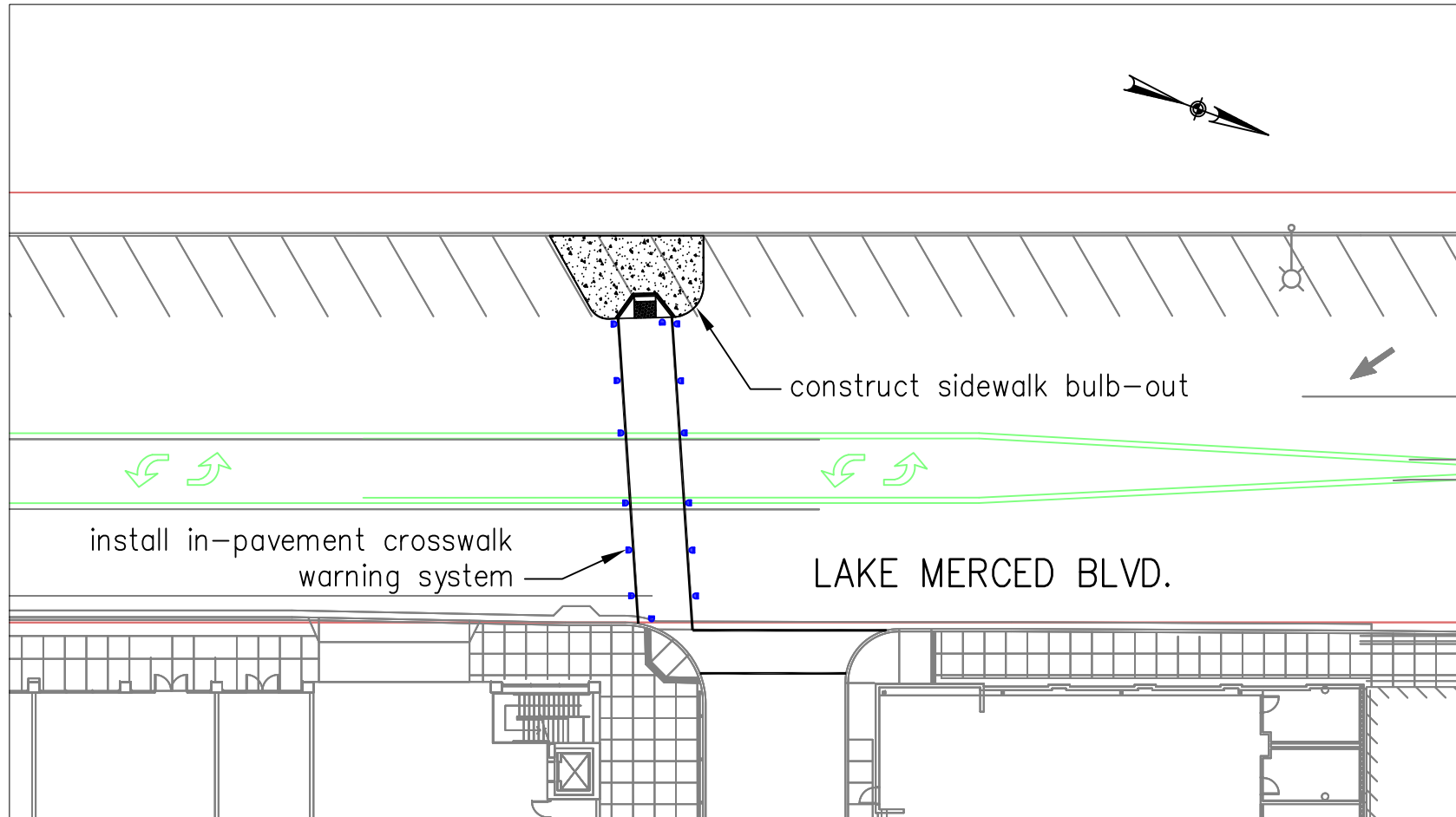


John L. Fuller
Director of Public Works

Attachment: Project Location Map
Funding Agreement

Review: jackson
Dwg File: G:\Engineering\Shirley Chan\Wastlake Shopping\Lake Merced Bul Mar Crosswalk Exhibit.dwg

Time: 8:38:40
Date: 03/17/2011



THE CITY OF DALY CITY
CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

LAKE MERCED BLVD.
CROSSWALK IMPROVEMENTS
PROJECT LOCATION MAP

DESIGN	SCY	DATE	03/11	APPROVED	CITY ENGINEER
CHECKED	JLF	SCALE	NIS		
REVISION	SCY	SURVEY	DA	SHEET NO. 1 OF 1	lakemerced xwalk

FOR REDUCED PLANS
ORIGINAL SCALE IS IN INCHES

0 1 2 3

**FUNDING AGREEMENT
SAN MATEO COUNTY NEW MEASURE A FUNDS**

Lake Merced Boulevard In-Pavement Crosswalk Project

This FUNDING AGREEMENT ("Agreement") is made this ____ day of _____, 2012 by and between the SAN MATEO COUNTY TRANSPORTATION AUTHORITY ("TA") and the CITY OF DALY CITY ("DALY CITY"), together referred to herein as the "Parties."

RECITALS

WHEREAS, on November 2, 2004, the voters of San Mateo County approved the continuation of the collection and distribution by the TA of the Measure A 1/2 cent transaction and use tax for an additional 25 years to implement the 2004 Transportation Expenditure Plan, beginning January 1, 2009 ("New Measure A"); and

WHEREAS, DALY CITY submitted an application requesting \$77,000 in New Measure A funds for the Lake Merced Boulevard In-Pavement Crosswalk Project ("Project"); and

WHEREAS, the Lake Merced Boulevard In-Pavement Crosswalk Project meets the intent of the 2004 Transportation Expenditure Plan and the TA's 2006-2013 Strategic Plan; and

WHEREAS, on July 7, 2011, the TA's Board of Directors programmed and allocated up to \$77,000 from the New Measure A Pedestrian and Bicycle Program for the construction phase of the Project through Resolution 2011-11;

WHEREAS, the TA and DALY CITY desire to adopt this Agreement to establish the process, terms and conditions governing the allocation and expenditure of New Measure A funds on the Project.

Now therefore, the Parties agree as follows:

SECTION 1: Project Oversight and Reporting

1.1 DALY CITY Oversight; Work Plan. DALY CITY shall be the lead agency responsible for the completion of the Project. DALY CITY shall assume responsibility for advertising, bidding, awarding and administering any professional service and/or other contracts entered into in connection with the Project. DALY CITY shall oversee completion of the Project as described in Exhibit A, "Project Information," which is attached to this Agreement and incorporated herein by this reference. Though DALY CITY may appoint a designee or engage contractor(s) to perform work necessary for Project completion, DALY CITY will remain ultimately responsible to the TA for performance of all responsibilities set forth herein.

1.2 Required Approvals. Prior to commencement of the Project, DALY CITY shall obtain or cause its consultant to obtain all required local, state and federal approvals and permits for Project work. In addition, DALY CITY shall comply with all applicable federal, state and local laws and regulations applicable to the Project.

1.3 Contract Award and Change Orders. DALY CITY shall comply with state and local agency requirements for the award of any contract(s) for the performance of the Project and any change orders. As the Project proceeds, DALY CITY shall advise the TA of any contracts awarded and change orders issued to any contract as part of the regular progress reporting requirements (Section 1.4). Notice of any contracts and change orders provided to the TA shall not constitute approval by the TA of the contracts and change orders nor obligate the TA to provide funds in excess of its maximum contribution stated in Section 2.1 of this Agreement.

1.4 Progress Reports. DALY CITY shall prepare and submit to the TA quarterly progress reports on January 31, April 30, July 31, and October 31 of each year during the entire term of the Project and covering every phase of the Project for work completed during the previous quarter using the template in Exhibit B. The reports shall describe: the current status of, and any changes in, scope, schedule, budget, and funding plans of the Project; any risk factors; the work performed during the previous quarter and projected for the next quarter; costs projected to be expended during the next quarter; and any other information requested by the TA.

1.5 Final Report. Within ninety (90) days of DALY CITY's final acceptance of the Project and all incidental work, DALY CITY shall furnish the TA with a final report detailing, but not limited to, the following:

- a) Total costs for the Project, including an accounting of all New Measure A Funds expended in connection with the Project, and reflecting any unexpended New Measure A Funds that may remain.
- b) A description of the Project, including a statement detailing the overall progress and success of the Project, a compilation of any data collected during the active phase(s) of the Project, and changes/additions to the scope of the Project.
- c) An explanation and the status of any outstanding obligations or potential obligations related to the Project.
- d) A discussion of any pertinent issues or problems that arose during the project development and/or construction of the Project.
- e) Any copies of press articles, press releases, newsletter articles and any other publicity materials regarding the Project.
- f) Written confirmation that no further reimbursements are anticipated and that all draw-down requests have been made.

1.6 Access to Records and Record Retention. At all reasonable times, DALY CITY shall permit the TA access to all reports, designs, drawings, plans, specifications, schedules and other materials prepared, or in the process of being prepared, for the Project by DALY CITY or any contractor or consultant of DALY CITY. DALY CITY shall also make available to the TA upon request any professional service agreements, change orders and any other agreements that are entered into for the performance of Project related work and services. DALY CITY shall provide copies of any documents described in this Section to the TA if the TA requests such documents. DALY CITY shall retain all records pertaining to the Project for at least three years after completion of the Project.

1.7 Audits.

- a) The TA, or its authorized agents, may, at any reasonable time during business hours, conduct an audit of DALY CITY's performance under this Agreement. DALY CITY shall permit the TA, or its authorized agents, to examine, inspect, make excerpts from, transcribe or photocopy books, documents, papers and other records of DALY CITY which the TA reasonably determines to be relevant to this Agreement.
- b) DALY CITY shall transmit to the TA the Independent Auditor's Report prepared for DALY CITY's Comprehensive Annual Financial Report within thirty (30) days of receipt by DALY CITY.

SECTION 2: Funding and Payment

2.1 Funding Commitment. The TA shall make available to DALY CITY up to \$77,000 for expenditures related to the Project ("Project Costs") as provided in this Section 2. DALY CITY will contribute or provide for the contribution of, any amount in excess of \$77,000 needed to complete the Project. The TA's funding commitment under this Agreement shall in no way establish a right in DALY CITY to receive additional funding from the TA in connection with or related to this Project. All funding obligations of the TA under this Agreement are subject to downward adjustment based on actual sales tax receipts for the fiscal years indicated.

2.2 Use of Funds. New Measure A funds shall be used only for direct Project costs, which shall not include indirect costs such as agency overhead.

DALY CITY agrees that it shall use funds provided pursuant to this Agreement to supplement existing revenue, that funds provided pursuant to this Agreement may not be used to replace other local taxes or revenues already programmed and available for use for the same purpose, and that DALY CITY will use funds provided pursuant to this Agreement only for the Project.

If the TA determines that DALY CITY has used funds provided pursuant to this Agreement other than for the approved Project, the TA will notify DALY CITY of its determination. DALY CITY shall, within thirty (30) days of notification of the TA's

determination, either (a) repay such funds to the TA, or (b) provide to the TA an answer detailing DALY CITY's understanding of how the funds in question were spent for the approved Project, to which the TA will respond within thirty (30) days of receipt. The TA's response will be final, unless otherwise stated in the response, and DALY CITY shall repay any funds determined to have been used other than for the approved Project within thirty (30) days.

2.3 Reimbursement Basis. DALY CITY may seek reimbursement for Project Costs incurred beginning on the execution date of this agreement. Project Costs must be incurred and paid by DALY CITY prior to asking for reimbursement from the TA. Documentation must accompany all requests for reimbursement. No funding advances are allowed.

2.4 Accounting and Request for Reimbursement Procedures. EAST PALO ALTO, in coordination with and to the satisfaction of the TA, shall establish procedures for Project accounting and requests for reimbursement. These procedures will track and reflect the accumulation of the TA's share of Project Costs for all work to be funded with New Measure A Funds during the term of the Project. In all cases, EAST PALO ALTO shall maintain all necessary books and records in accordance with generally accepted accounting principles.

2.5 Invoices; Payments. EAST PALO ALTO shall prepare and submit billing statements, with all required supporting documentation, which may include but are not limited to copies of vendor invoices, backup documentation, checks, and payment advice, to the Accounts Payable staff of the TA requesting reimbursement of New Measure A funds for the TA's share of Project Costs as contemplated by this Agreement. Invoices may be submitted no more frequently than once a month.

Invoices are to be submitted to:

Accounts Payable
San Mateo County Transportation Authority
1250 San Carlos Avenue
San Carlos, CA 94070

SECTION 3: Term

3.1 Term. The term of this Agreement shall commence upon execution of this agreement and shall conclude upon the earliest of: (a) the TA's final reimbursement to DALY CITY for work performed hereunder, (b) termination by DALY CITY or the TA pursuant to this Section 3, or (c) July 7, 2016.

3.2 DALY CITY's Right to Terminate; Repayment upon Termination. DALY CITY may at any time terminate the Project by giving ten (10) days written notice to the TA of its election to do so. Upon such termination, DALY CITY shall not be reimbursed for any further Project Costs and will reimburse the TA for all monies paid by the TA and costs

incurred by the TA in connection with the Project within ninety (90) days of the TA's submission to DALY CITY of a detailed statement of such payments and costs.

3.3 Termination by the TA. The TA may terminate this Agreement, with or without cause, by giving ten (10) days' written notice of such termination. If the TA terminates the Agreement for DALY CITY's default, DALY CITY shall reimburse the TA for all funds paid to DALY CITY in connection with the Project, minus those funds DALY CITY expended in full compliance with this Agreement. If the TA terminates the Agreement for convenience, the TA shall be obligated to pay to DALY CITY all costs and expenses incurred by DALY CITY to effect such termination.

3.4 Expiration of TA's Financial Obligations. Any and all financial obligations of the TA pursuant to this Agreement shall expire upon the expenditure of TA's maximum contribution to the Project as established in Section 2.1 above or on July 7, 2016, whichever occurs first.

3.5 Time of Performance. The Project shall be completed no later than July 7, 2016.

SECTION 4: Indemnification and Insurance

4.1 Indemnity by DALY CITY. DALY CITY shall fully release, indemnify, hold harmless and defend (with counsel satisfactory to Indemnitees, as defined below) the TA and its directors, officers, employees and agents, and each of them (collectively, "Indemnitees") from and against all liability, claims, suits, actions, costs or expenses for loss of or damage to property and for injuries to or death of any person (including but not limited to the property or employees of each party) when arising out of or resulting from any act or omission by DALY CITY, its agents, employees, contractors or subcontractors in connection with any aspect of the Project, including the design, construction and/or maintenance of said Project and DALY CITY's performance of obligations and covenants established in this Agreement. DALY CITY shall also fully release, indemnify, hold harmless and defend Indemnitees from and against any and all claims or suits that may be brought by any of its contractors or subcontractors performing work in connection with or related to the Project. DALY CITY's obligation to defend shall include the payment of all attorneys' fees and all other costs and expenses of suit, and if any judgment is rendered, or settlement entered, against any Indemnitee, DALY CITY shall, at its expense, satisfy and discharge the same. Finally, DALY CITY shall indemnify the Indemnitees from and against any and all losses, claims, liabilities, costs and expenses arising from termination pursuant to Section 3.2 of this Agreement.

This indemnification shall survive termination or expiration of this Agreement.

4.2 Insurance. For the purposes of this Insurance section, "Entity" is defined as the entity designing and/or performing the work funded by this agreement. The Entity may be DALY CITY, a contractor of DALY CITY, another body on behalf of which DALY CITY submitted its funding application, or a contractor of such other body. If the Entity is not DALY CITY, DALY CITY shall require by contract that the Entity will provide the

appropriate insurance for the work being performed. The insurance requirements specified in this section shall cover the Entity's own liability and any liability arising out of work or services of the Entity's subcontractors, subconsultants, suppliers, temporary workers, independent contractors, leased employees, or any other persons, firms or corporations (hereinafter collectively referred to as "Agents") working on the Project.

- a) Minimum Types and Scope of Insurance. The Entity is required to procure and maintain at its sole cost and expense insurance subject to the requirements set forth below. Such insurance shall remain in full force and effect throughout the term of the work. The Entity is also required to assess the risks associated with work to be performed by Agents and to require that Agents maintain adequate insurance coverages with appropriate limits and endorsements to cover such risks. To the extent that an Agent does not procure and maintain such insurance coverage, the Entity shall be responsible for and assume any and all costs and expenses that may be incurred in securing such coverage or in fulfilling the Entity's indemnity obligations as to itself or any of its Agents in the absence of coverage. DALY CITY and/or the Entity may self-insure against the risks associated with the Project, but in such case shall waive subrogation in favor of the TA respecting any and all claims that may arise.
- i. Workers' Compensation and Employer's Liability Insurance. Insurance coverage shall meet statutory minimums and shall include a Waiver of Subrogation in favor of the TA.
 - ii. Commercial General Liability Insurance. The limit for Commercial General Liability Insurance in each contract and subcontract shall not be less than \$1 million. Commercial General Liability Insurance shall be primary to any other insurance, name the TA as an Additional Insured, include a Separation of Interests endorsement and include a Waiver of Subrogation in favor of the TA.
 - iii. Business Automobile Liability Insurance. The limit for Business Automobile Liability Insurance in each contract and subcontract shall not be less than \$1 million. Insurance shall cover all owned, non-owned and hired autos, and shall include a Waiver of Subrogation in favor of the TA.
 - iv. Property Insurance. Property Insurance shall cover the Entity's and/or Agent's own equipment as well as any materials to be installed. Property Insurance shall include a Waiver of Subrogation in favor of the TA.
 - v. Professional Liability Insurance. If deemed appropriate by DALY CITY or the Entity in consideration of the work required for the Project, insurance should cover the Entity's and any Agent's professional work on the Project. The limit for Professional Liability Insurance in each appropriate contract and subcontract should not be less than \$1 million.

- vi. Contractors' Pollution Liability Insurance and/or Environmental Liability Insurance. If deemed appropriate by DALY CITY or the Entity in consideration of the work required for the Project, insurance should cover potential pollution or environmental contamination or accidents. The limit for Pollution and/or Environmental Liability Insurance in each appropriate contract and subcontract should not be less than \$1 million. Such insurance shall name the TA as an Additional Insured and include a Waiver of Subrogation in favor of the TA.
- vii. Railroad Protective Liability Insurance. Insurance shall be procured if the Project will include any construction or demolition work within 50 feet of railroad tracks. The limit for Railroad Protective Liability Insurance in each appropriate contract and subcontract shall not be less than \$2 million per occurrence and \$6 million annual aggregate.
- b) Excess or Umbrella Coverage. DALY CITY and/or the Entity may opt to procure excess or umbrella coverage to meet the above requirements, but in such case, these policies shall also satisfy all specified endorsements and stipulations for the underlying coverages, and shall include provisions that the Entity's insurance is to be primary without any right of contribution from the TA.
- c) Deductibles and Retentions. DALY CITY shall ensure that deductibles or retentions on any of the above insurance policies are paid without right of contribution from the TA. Deductible and retention provisions shall not contain any restrictions as to how or by whom the deductible or retention is paid. Any deductible or retention provision limiting payment to the named insured is unacceptable.
- In the event that any policy contains a deductible or self-insured retention, and in the event that the TA seeks coverage under such policy as an additional insured, DALY CITY shall ensure that DALY CITY and/or the Entity satisfies such deductible to the extent of loss covered by such policy for a lawsuit arising from or connected with any alleged act or omission of the Entity or Agents, even if neither the Entity nor Agents are named defendants in the lawsuit.
- d) Failure to Procure Adequate Insurance. Failure by DALY CITY and/or the Entity to procure sufficient insurance to financially support Section 4.1, Indemnity by DALY CITY, of this Agreement does not excuse DALY CITY from meeting all obligations of Section 4.1 and the remainder of this Agreement, generally.

Prior to beginning work under this Agreement, DALY CITY shall obtain satisfactory evidence of compliance with the insurance requirements of this section.

SECTION 5: Miscellaneous

5.1 Notices. All notices required or permitted to be given under this Agreement, excluding progress reports, the final report, and invoices, shall be in writing and mailed postage prepaid by certified or registered mail, return receipt requested, or by personal delivery or overnight courier to the appropriate address indicated below or at such other place(s) that either party may designate in written notice to the other. Notices shall be deemed received upon delivery if personally served, one (1) day after mailing if delivered via overnight courier, or two (2) days after mailing if mailed as provided above.

To TA: San Mateo County Transportation Authority
1250 San Carlos Avenue
P.O. Box 3006
San Carlos, CA 94070-1306
Attn: Michael Scanlon
Executive Director

To DALY CITY:
City of Daly City
333 90th Street
Daly City, CA 94015
Attn: Shirley Chen
Traffic Engineer

5.2 No Waiver. No waiver of any default or breach of any covenant of this Agreement by either party shall be implied from any omission by either party to take action on account of such default if such default persists or is repeated. No express waiver shall affect any default not specified in the waiver, and the waiver shall be operative only for the time or extent stated. The consent or approval by either party to or of any act by either party requiring further consent or approval shall not be deemed to waive or render unnecessary consent or approval to any subsequent, similar acts.

5.3 Assignment. No party shall assign, transfer or otherwise substitute its interest or obligations under this Agreement without the written consent of the other party.

5.4 Governing Law. This Agreement shall be governed by the laws of the State of California as applied to contracts that are made and performed entirely in California.

5.5 Modifications. This Agreement may only be modified in writing executed by both parties.

5.6 Attorneys' Fees. In the event legal proceedings are instituted to enforce any provision of this Agreement, the prevailing party in said proceedings shall be entitled to its costs, including reasonable attorneys' fees, in addition to such other remedies to which it may be entitled.

5.7 Relationship of the Parties. It is understood that this is an Agreement by and between Independent Contractors and is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of Independent Contractor.

5.8 Ownership of Work. All reports, designs, drawings, plans, specifications, schedules, studies, memoranda, and other documents assembled for or prepared by or for, in the process of being assembled or prepared by or for, or furnished to DALY CITY under this Agreement shall be the joint property of the TA and DALY CITY, and shall not be destroyed without the prior written consent of the TA. The TA shall be entitled to copies and access to these materials during the progress of the Project and upon completion or termination of the Project or this Agreement. DALY CITY may retain a copy of all material produced under this Agreement for its use in its general activities. This Section 5.8 does not preclude additional shared ownership of work with other entities under contract with DALY CITY for funding of the Project.

5.9 Non-discrimination. DALY CITY and any contractor performing services on behalf of DALY CITY shall not discriminate or permit discrimination against any person or group of persons on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability, or veteran's status, or in any manner prohibited by federal, state or local laws.

5.10 Accessibility of Services to Persons with Disabilities. The Project shall be implemented in compliance with and in a manner that does not subject the TA or DALY CITY to liability under, the Americans with Disabilities Act, the California Disabled Persons Act, or any other state or federal laws protecting the rights of persons with disabilities.

5.11 Warranty of Authority to Execute Agreement. Each party to this Agreement represents and warrants that each person whose signature appears hereon has been duly authorized and has the full authority to execute this Agreement on behalf of the entity that is a party to this Agreement.

5.12 Severability. If any term, covenant, condition or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, covenants, conditions and provisions of this Agreement, or the application thereof to any other person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

5.13 Counterparts. This Agreement may be executed in counterparts, each of which may be deemed an original, but both of which together shall be deemed a single Agreement.

5.14 Attribution to the TA. DALY CITY must include attribution that indicates work was sponsored by New Measure A Funding from the TA. This provision applies to any

project, or publication, that was funded in part or in whole by New Measure A funds. Acceptable forms of attribution include TA branding on Project-related documents, construction signs, public information materials, and any other applicable documents.

5.15 Entire Agreement. This Agreement constitutes the entire agreement between the parties pertaining to its subject matter and supersedes any prior or contemporaneous written or oral agreement between the Parties on the same subject.

IN WITNESS WHEREOF, the Parties have hereunder subscribed their names the day and year indicated below.

CITY OF DALY CITY

By: _____

Name: _____

Its: _____

Approved as to Form: _____

Legal Counsel for the City of Daly City

**SAN MATEO COUNTY TRANSPORTATION
AUTHORITY**

By: _____

Name: Michael J. Scanlon

Its: Executive Director

Approved as to Form: _____

Legal Counsel for the TA

Exhibit A: Project Information

Exhibit B: Progress Reporting Template

EXHIBIT A: PROJECT INFORMATION

Lake Merced Boulevard In-Pavement Crosswalk Project

Sponsoring Agency: City of Daly City

Lead/Implementing Agency: City of Daly City

Contact: Shirley Chan
330 90th Street
Daly City, CA 94015
(650) 991-8231
schan@dalycity.org

Project Description:

The Project will install an in-pavement crosswalk warning system and curb bulb-out on Lake Merced Boulevard, approximately 280 feet north of Belmar Avenue. The pedestrian-activated in-pavement crosswalk system includes pedestrian push buttons mounted on poles on both sides of the crosswalk and will increase motorists' awareness of pedestrian activities in the area. The bulb-out is located on the east side of Lake Merced Boulevard and will improve the visibility of the pedestrians to motorists as they try to cross the street between the diagonally parked cars.

The Project also includes widening the sidewalk on the east side of Lake Merced Boulevard, between Southgate Avenue and the first driveway (to Home Depot).

Project Schedule:

	Begin	End
Environmental	February 2011	March 2011
Design	March 2012	September 2012
Right-of-Way	N/A	N/A
Construction	October 2012	May 2013

Project Budget/Source of Funding:

Phase	Measure A Funding Amount	Other Sources*		Total
		List Fund Source	Amount	
Design	\$0	Developer	\$15,000	\$15,000
Construction	\$77,000	Developer	\$70,000	\$147,000
Engineering	\$0	Developer	\$18,000	\$18,000
Total:	\$77,000		\$103,000	\$180,000

* The other fund sources are provided for information purposes.

Measure A Project Cash Flow Projection

The cash flow projection is provided for informational purposes only.

Phase/Activity	FY12				Subtotal FY12	FY13				Subtotal FY13
	1st Quarter (Jul 1-Sept 30)	2nd Quarter (Oct 1-Dec 31)	3rd Quarter (Jan 1-Mar 31)	4th Quarter (Apr 1-Jun 30)		1st Quarter (Jul 1-Sept 30)	2nd Quarter (Oct 1-Dec 31)	3rd Quarter (Jan 1-Mar 31)	4th Quarter (Apr 1-Jun 30)	
Construction					\$0		\$10,000	\$42,000	\$25,000	\$77,000
					\$0					\$0
					\$0					\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0	\$10,000	\$42,000	\$25,000	\$77,000

Phase/Activity	FY14				Subtotal FY14	FY15	FY16	FY17	Subtotal for FY15-FY17	Project Total
	1st Quarter (Jul 1-Sept 30)	2nd Quarter (Oct 1-Dec 31)	3rd Quarter (Jan 1-Mar 31)	4th Quarter (Apr 1-Jun 30)						
Construction					\$0				\$0	\$77,000
					\$0				\$0	\$0
					\$0				\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$77,000

Operating Responsibility:

City of Daly City

Maintenance Responsibility:

City of Daly City

Project Implementation Responsibility:

City of Daly City

Project Oversight Responsibility:

City of Daly City

Measure A Funded Scope of Work

Measure A funds of \$77,000 will be used for the construction of the Project.

EXHIBIT B: PROGRESS REPORTING TEMPLATE

SMCTA QUARTERLY REPORT
For Quarter of: [Month – Month Year]

SMCTA Project # 00XXX – [Project Title]
[Carryover to additional pages as necessary]

Contact: [Name, Title, Phone, email, address]

1) Scope:

[Describe project here, specify project limits, phases of project and Measure A funded component]

Project Status Summary: [Provide Status]

Issues: [List any issues, i.e. potential scope changes]

2) Schedule:

Major Milestones:

	Original Baseline		Current Baseline		Current Forecast	
	Start	Finish	Start	Finish	Start	Finish
[Activity]	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY
[Activity]	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY
[Activity]	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY
[Activity]	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY	MM/DD/YY

Progress This Quarter:

[Describe progress and activities]

Measure A Funds Expended This Quarter: \$

Future Activities, Next Quarter:

[Describe planned future activities]

Projected Measure A Funds Expenditure Next Quarter: \$

Issues: [List any issues, such as impacts to schedule]

3) Project Budget:

	A	B	C	D	E	F
Phase/ Activity	Original Budget (per Funding Agreement)	Updated Cost Estimate	Total Change from Approved (B-A)	Total Expended to Date	% of Revised Budget Expended (D/B)	% of Work Completed
			-		0.00%	0.00%
			-		0.00%	0.00%
			-		0.00%	0.00%
Total Project	-	-	-	-	# DIV/0!	

Issues: [List any issues, i.e. potential cost increases]

4) Funding: [List additional sources as needed, Fill out the following matrix for each phase, i.e. environmental, design, etc.]

	Original	Original %	Current	Current %	Estimated at Completion	EAC %
	Contribution		Contribution		Contribution	
SMCTA		#DIV/0!		#DIV/0!		#DIV/0!
Others:						
Federal (specify)		#DIV/0!		#DIV/0!		#DIV/0!
State (specify)						#DIV/0!
Other (specify)						
Total	-	#DIV/0!	-	#DIV/0!	-	#DIV/0!

Issues: [List any issues such as changes in Non-Measure A funding]



City Council Agenda Report

Item # _____

Meeting Date: April 9, 2012

Subject: Amend Traffic Regulations

Recommended Action

Recommend the City Council amend traffic regulations as follows:

1. Re-designate one (1) existing one-hour metered parking stall in front of 6771 Mission Street to a commercial loading/unloading (yellow) zone for the hours of 7:00 am to 10:00 am, Mondays through Saturdays. (TSR 12-25)
2. Re-designate one (1) existing one-hour metered stall in front of 6771 Mission Street to a 30-minute metered parking stall for the hours of 10:00 am to 6:00 pm, Mondays through Saturdays. (TSR 12-26)
3. Designate 750-ft. four-hour limited parking (green) zone along the east curb of Callan Boulevard, commencing at the curb return of Southgate Avenue and extending in a southerly direction. The green zone is to be enforceable between the hours of 7:00 am to 6:00 pm, Mondays through Saturdays. (TSR 12-29)

Background

On March 8, 2012, the City's Traffic Safety Committee met and reviewed various requests for traffic improvements, signage and pavement markings, and recommended to the City Manager amending the aforementioned traffic regulations.

Discussion

The amendments to the traffic regulations were recommended for the following reasons:

1. The owner of the business at 6755 Mission Street requested several parking changes near his business including a yellow zone on the block of Mission Street between Como Street and Eastlake Avenue. All the businesses on the block have submitted a letter of support for the yellow zone. The yellow zone will provide a parking space for trucks to make deliveries to their businesses without blocking traffic on Mission Street.
2. The owner of the business at 6755 Mission Street also requested a 30-minute parking stall. The shorter time limit of the parking space will encourage more turn-over of the parking space near the market.
3. Staff received complaints of vehicles parked along Callan Boulevard, adjacent to Serramonte Shopping Center, all day. The 4-hour parking time limit will discourage all-day parking.

Fiscal Impact

The proposed signs and/or markings will be funded from the approved operating budget of the Public Works Department, Street Maintenance Division.

Summary/Conclusion

Recommend the City Council amend the aforementioned traffic regulations.

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

Respectfully submitted,

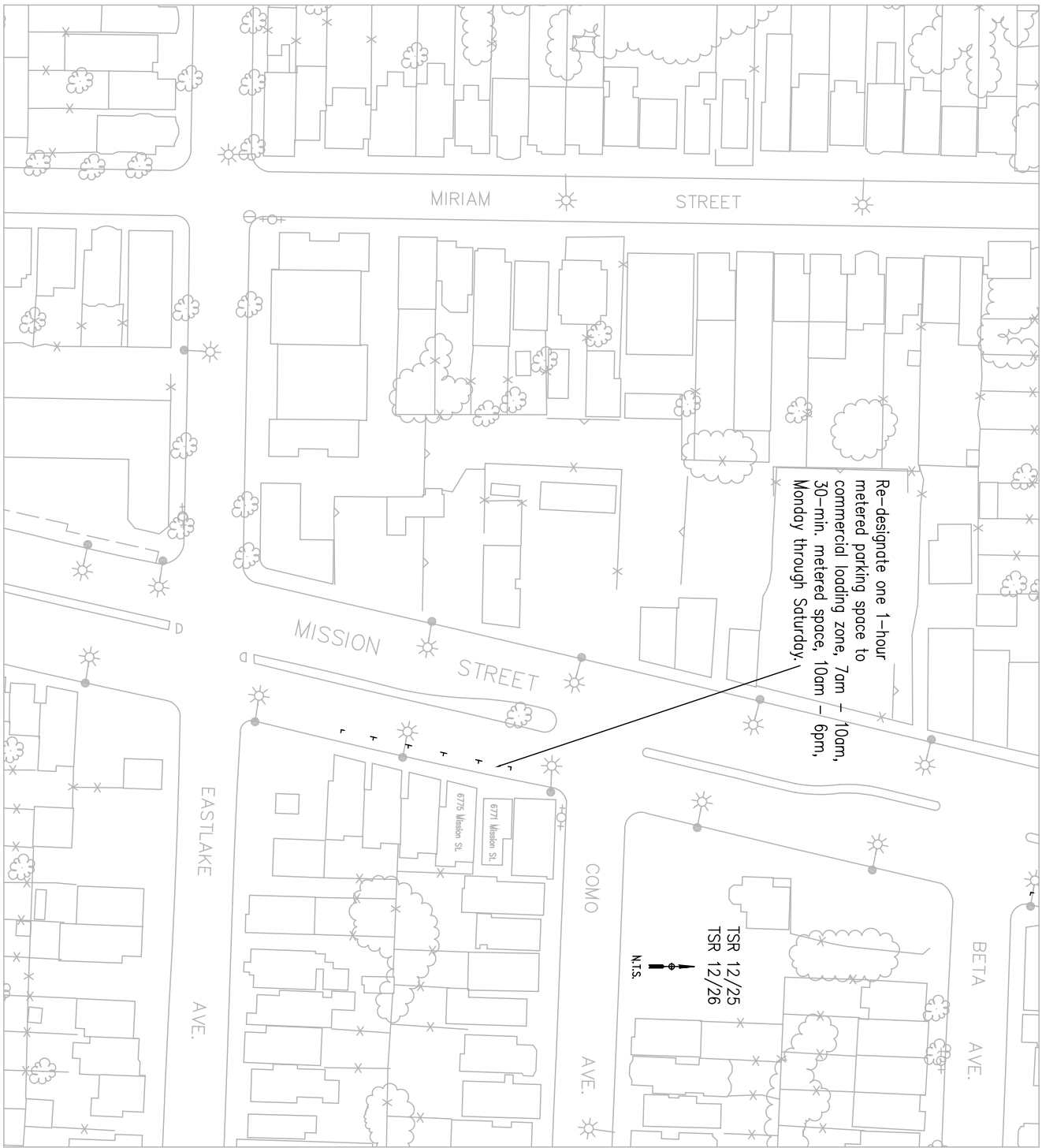


Shirley Chan
Traffic Engineer

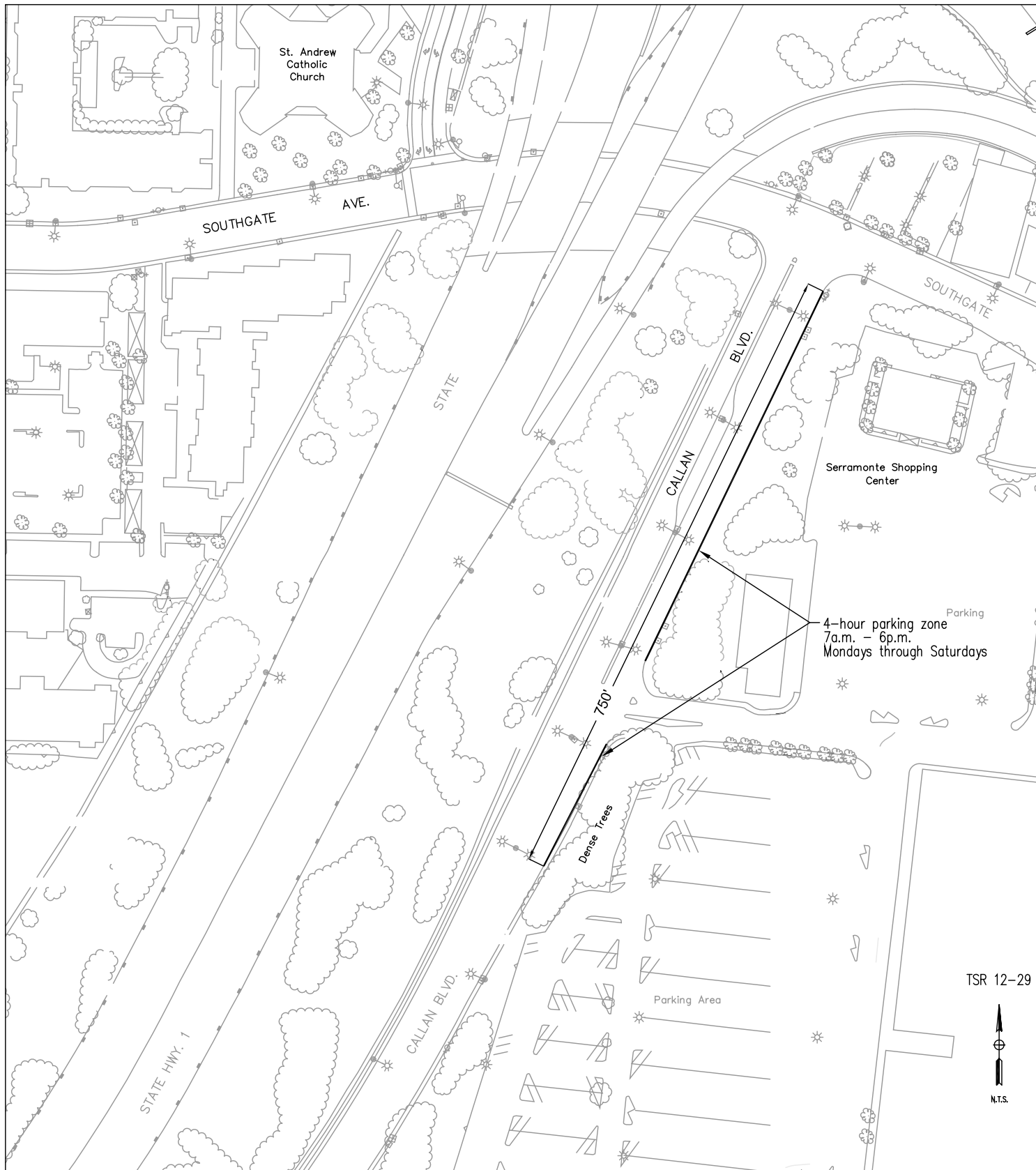


John L. Fuller
Director of Public Works

Attachment: Traffic Improvements Location Maps



THE CITY OF DALY CITY			
CALIFORNIA			
DEPARTMENT OF PUBLIC WORKS			
TRAFFIC IMPROVEMENTS			
6771 Mission Street			
DRAWN SC	DATE 03/12	APPROVED	
DESIGNED JLF	SCALE N.T.S.	CITY ENGINEER	
DESIGNED SC	SHEET NO. 1 OF 1	TSR 12-25/26	
SHEET NO.		DRAWING NUMBER	
REV.			



TSR 12-29



THE CITY OF DALY CITY
CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

TRAFFIC IMPROVEMENTS
Callan Boulevard
btwn. Southgate Ave. & Clarinada Ave.

DRAWN SC	DATE 03/12	APPROVED	CITY ENGINEER
CHECKED JLF	SCALE N.T.S.	SHEET NO. 1 OF 1	TSR 12-29
DESIGNED SC	SURVEY NO.	DRAWING NUMBER	REV.



City Council Agenda Report

Item # _____

Meeting Date: April 9, 2012

Subject: Authorization to Solicit Bids for Citywide Accessibility Improvements Project

Recommended Action

Staff recommends that the City Council affirm the California Environmental Quality Act (CEQA) determination of categorical exemption, approve the design documents, and authorize the construction bid invitation for the Citywide Accessibility Improvements project.

Background

In October 2010, the City Council accepted \$420,000 in Transit Oriented Development (TOD) grant funds. The grant was awarded through Metropolitan Transportation Commission's (MTC) Transportation for Livable Communities (TLC) program. The TLC program is funded with Surface Transportation Program and Congestion Mitigation and Air Quality Improvement (STP/CMAQ) funds under the Federal Safe Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) program. In general, TLC grant funds are used to improve the public right-of-way and encourage pedestrian transportation. The city is required to have local matching funds of at least 11.47% (approximately \$55,000) and fund design costs (approximately \$63,000) to be eligible for the TOD grant.

The Citywide Accessibility Improvements project includes accessibility enhancements such as the replacement, upgrade and installation of sidewalk access ramps at various locations throughout the City. This project will help Daly City meet its long term goal to remove pedestrian mobility barriers for persons with disabilities as required under the Americans with Disabilities Act (ADA)

Discussion

The project proposes to install/modify approximately 170 sidewalk access ramps at 69 intersections within the City. The project includes the replacement, upgrade and installation of sidewalk access ramps and new sidewalk at various locations throughout the City.

The project has been determined to be categorically exempt under Section 15301c, "Existing Facilities." The construction contract award is scheduled for a City Council meeting in May 2012. Construction is anticipated to start in June 2012 and be completed by November 2012.

Fiscal Impact

The construction cost for the Base Bid (62 intersections), Add Alternate 1 (seven intersections) and Add Alternate 2 (adjusting utilities to grade) is \$472,520, \$54,360 and \$4,020 respectively, including contingency and construction inspection for a total project budget of \$531,900. On October 11, 2010, the City Council accepted and appropriated federal road grant funds and the necessary local matching funds needed to complete the project. Adequate funds for the project are available in project account 17-312-610.

Summary/Conclusion

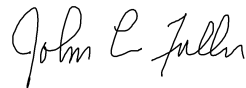
Staff recommends that the City Council affirm the CEQA determination of categorical exclusion, approve the project design documents, and authorize construction bid invitation for the Citywide Accessibility Improvements project.

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

Respectfully submitted,



Shirley Chan
Traffic Engineer

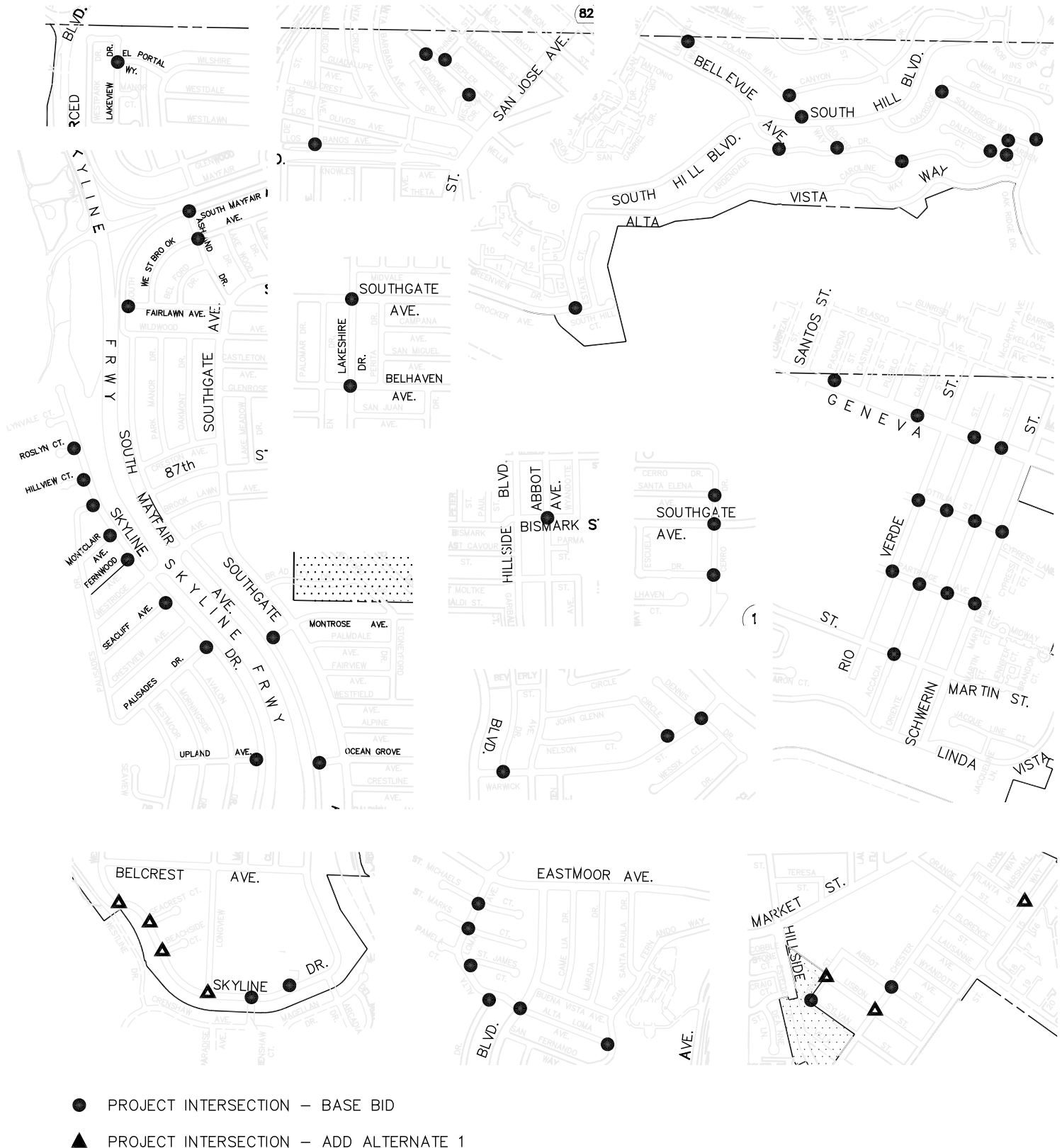


John L. Fuller
Director of Public Works

Attachments: Project Location Map

CITY OF DALY CITY
SAN MATEO COUNTY, CALIFORNIA

PROJECT PLANS FOR CONSTRUCTION OF
CITYWIDE ACCESSIBILITY IMPROVEMENTS





City Council Meeting Agenda Report

Item # _____

Meeting Date: April 9, 2012

Subject: A Resolution of the City Council of the City of Daly City Opposing Governor Brown's Proposed Budget Reductions to Early Care and Education Child Development Programs

Recommended Action

It is recommended that the City Council adopt a resolution opposing Governor Brown's proposed budget reductions to early care and education child development programs.

Background

Governor Brown's proposed State budget for Fiscal Year 2012-13 includes reductions to early care and education child development programs that could potentially reduce or eliminate programs for low-income children throughout California, including the Daly City Afterschool Education and Safety (ASES) program and the Bayshore Child Care Services preschool program.

Since 2008, California's early care and education funding has been cut by more than \$1.2 billion, resulting in a loss of both daycare and preschool services for more than 100,000 children. Governor Brown's proposed budget includes an additional; \$517 million in cuts to those programs.

Fiscal Impact

The local impact is not fully known. Nearly \$300,000 in funding for Daly City's ASES program could be at risk if the Governor's budget is adopted with the proposed cuts to early care and education.

Summary/Conclusion

The San Mateo County Board of Education and the San Mateo County Superintendent of Schools jointly adopted a resolution opposing the proposed cuts to early care and education child development programs at a meeting on March 21, 2012. The San Mateo County Superintendent of Schools has requested that city councils in San Mateo County take similar action.

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

Respectfully submitted,

Patricia E. Martel
City Manager

Attachments: Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY OPPOSING
GOVERNOR BROWN'S PROPOSED BUDGET REDUCTIONS TO
EARLY CARE AND EDUCATION CHILD DEVELOPMENT PROGRAMS

WHEREAS, Governor Brown's proposed Fiscal Year 2012-13 budget sets forth \$517 million in cuts to early care and education, eliminating at least 62,000 California children from participating in vital child development programs; and

WHEREAS, early care and education programs have previously sustained a staggering \$1.2 billion in cuts since 2008, resulting in the loss of spaces for another 100,000 children throughout California; and

WHEREAS, Daly City's Afterschool Education and Safety (ASES) Program, which provides afterschool programming at 9 school sites with 20 staff members, will be adversely affected by cuts to early care and education programs; and

WHEREAS, the Governor's proposal would decimate California's system of high-quality early learning programs by shifting all but one program to County Welfare agencies, thereby cutting the California State Preschool program in half, meaning an additional 51,000 children would lose access to quality preschool; and

WHEREAS, the Governor's proposal would result in the closure of most high quality early learning centers for infants, preschoolers and young elementary school children in low income neighborhoods in San Mateo County, undermining a critical investment in the future of those communities; and

WHEREAS, in San Mateo County the Governor's proposed cuts would result in the loss of 810 childcare spaces in 2012-13, and an additional 1,304 classroom spaces in Fiscal Year 2013-14 as well as the closure of 26 non-profit and school district centers in low income neighborhoods; and

WHEREAS, the Governor's proposal places over 100,000 child care workers' jobs at risk statewide, including over 1,000 such positions in San Mateo County; and

WHEREAS, high-quality early learning programs for low-income children significantly narrow the achievement gap, reduce the high school dropout rate, decrease costs for special education, welfare, and prisons, and increase self-sufficiency and productivity among families; and

WHEREAS, every dollar invested in early care and education helps develop capable, productive and engaged citizens who return that investment by significantly contributing to California's long-term economic viability.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Daly City does hereby oppose Governor Brown's proposed cuts to early care and education and strongly urge the Governor to rescind his proposed reductions.

City of Daly City
Budget Transfer/Adjustment

Department/Division: ECD/Bldg Date: 3/7/2012

Month/Fiscal Year: March/FY11-12

Explanation/Justification:

To appropriate funds for three MobilGov computers and mounts
for building inspectors' trucks.

Funds are available from Construction and Demolition Recycling
deposits in excess of budget in FY2011 .

Approvals:

Gail De Fries
Originator

D. M. D.
Director of Finance

Millan
Department Head

City Manager/City Council

Document No.



City Council Meeting Agenda Report

Item # _____

Meeting Date: April 9, 2012

Subject: Conduit Financing for the School House Station and Vista Grande Family Apartment Properties

Recommended Action

- 1) Conduct a Tax Equity and Fiscal Responsibility Act ("TEFRA") public hearing regarding the issuance of up to \$11,000,000 of tax-exempt conduit bonds to finance the acquisition and rehabilitation of School House Station (99 School Street) and Vista Grande Family Apartments (6730 Mission Street).
- 2) Adopt the resolution to approve the issuance of Bonds for the financing of the Project by the California Municipal Finance Agency (CMFA).

Background

School House Station, a 47-unit building built in 1997 and Vista Grande Family Apartments, a 24-unit building built in 1996, were built by Mercy Housing California ("MHC") and have been integral to MHC's property portfolio in the Daly City area. School House Station, located at 99 School Street and Vista Grande, located at 6370 Mission Street are three-story wood frame structures over concrete podium slabs that house commercial spaces. The combined waitlist for both properties contains over 90 households.

Both buildings are located in an environment that experiences heavy fog and high humidity. As a result the buildings have deteriorated such that the quality of life of the residents is in jeopardy. There has been extensive damage to the cement plaster walls, windows and doors at some of the residential units. Water proofing is also needed.

MHC wishes to utilize tax-exempt bond funds to finance the needed rehabilitation of School House Station and Vista Grande Family Apartments has been working with the California Municipal Finance Authority (CMFA) as the municipal issuer of the Bonds in an aggregate principal amount not to exceed \$11,000,000. The proceeds of the Bonds will be used to finance the acquisition and rehabilitation of School House Station and Vista Grand Family Apartments. The amount of Bonds being issued for the School House Station shall not exceed \$9,000,000 and the amount of Bonds issued for Vista Grande shall not exceed \$6,000,000, provided that in no event shall the total amount of Bonds issued exceed \$11,000,000.

Although there is a commercial component to each of the apartment complexes, only the apartments will be rehabbed and included in the financing. These properties house 69 families that are in need of affordable housing. The properties offer safe, comfortable and affordable homes and help the City meet its affordable housing goals.

The owner of the Project is expected to be a limited partnership or a limited liability company to be established by MHC, or an affiliate thereof. All of the units in the Project will be occupied by persons or families of lower or very low income.

City Council Agenda Report

**Subject: Conduit Financing for the School House Station and Vista Grande Family
Apartment Properties**

Meeting Date: April 9, 2012

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In order for all or a portion of the Bonds to qualify as tax-exempt, the City of Daly City must conduct a public hearing (the “TEFRA Hearing”) providing for the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. Prior to such TEFRA Hearing, reasonable notice must be provided to the members of the community. Following the close of the TEFRA Hearing, an “applicable elected representative” of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project.

The City Council held a TEFRA hearing and passed a resolution on April 11, 2011 approving financing by the CMFA benefiting Mercy Housing. Although they anticipated closing their financing last fall, Mercy Housing has experienced delays due to a variety of issues, including elimination of redevelopment. Unfortunately a TEFRA hearing is only valid, per federal tax code, for one year. Because the TEFRA deadline has passed before close of the project financing (now anticipated before the end of April 2012) Mercy Housing is requesting the City Council to hold another TEFRA hearing and consider passing another resolution approving the financing sole to satisfy the code.

CALIFORNIA MUNICIPAL FINANCE AUTHORITY:

The CMFA was created on January 1, 2004 pursuant to a joint exercise of powers agreement to promote economic, cultural and community development, through the financing of economic development and charitable activities throughout California. To date, over 100 municipalities including the City of Daly City, have become members of CMFA.

The CMFA was formed to assist local governments, non-profit organizations and businesses with the issuance of taxable and tax-exempt bonds aimed at improving the standard of living in California. The CMFA’s representatives and its Board of Directors have considerable experience in bond financings.

The Joint Exercise of Powers Agreement provides that the CMFA is a public entity, separate and apart from each member executing such agreement. The debts, liabilities and obligations of the CMFA do not constitute debts, liabilities or obligations of the members executing such agreement.

The Bonds to be issued by the CMFA for the Project will be the sole responsibility of the Borrower, and the City will have no financial, legal, moral obligation, liability or responsibility for the Project or the repayment of the Bonds for the financing of the Project. All financing documents with respect to the issuance of the Bonds will contain clear disclaimers that the Bonds are not obligations of the City or the State of California, but are to be paid for solely from funds provided by the Borrower.

There are no costs associated with membership in the CMFA and the City will in no way become exposed to any financial liability by reason of its membership in the CMFA. In addition, participation by the City in the CMFA will not impact the City’s appropriations limits and will not

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**Subject: Conduit Financing for the School House Station and Vista Grande Family
Apartment Properties**

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constitute any type of indebtedness by the City. Outside of holding the TEFRA hearing and adopting the required resolution, no other participation or activity of the City or the City Council with respect to the issuance of the Bonds will be required.

Fiscal Impact

Issuance of bonds for financing the rehabilitation of School House Station and Vista Grande will generate no fiscal impact to the City of Daly City.

Summary/Conclusion

In light of the foregoing, and in order to support Mercy Housing California, staff recommends that the City conduct the TEFRA Hearing and adopt the resolution in favor of the issuance of the Bonds by the CMFA.

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

Respectfully submitted,



Betsy ZoBell
Housing and Community
Development Supervisor



Brian Millar
Economic and Community
Development Director



City Council Meeting Agenda Report

Item # _____

Meeting Date: April 9, 2012

Subject: Afterschool Youth Recreation Program and Fee Increase

Recommended Action

It is recommended that the City Council approve the new Afterschool Youth Recreation Program and proposed fee increases for the 2012-2013 School Year.

Background/Discussion

Historically, the Afterschool Youth Recreation Program (AYRP) was a free program, operating throughout the school year. The Program delivers services Monday through Friday, beginning immediately after students are released from school until 5:00 or 6:00 p.m., depending on the school. Current school sites are Panorama, Junipero Serra, MH Tobias and Daniel Webster Elementary Schools. As a result of the economic downturn and in an effort to reduce the City's General Subsidy, in the fall 2010, the City began charging for the AYRP. Fees are \$40 per month for Daly City residents and \$80 per month for non-residents. Currently, the program provides a safe environment for youth to do their homework, have a snack, develop friendships and participate in recreational activities.

Staff proposes to enhance the Afterschool Youth Recreation Program by placing a greater focus on education and enrichment. The new AYRP would follow the format of the After School Education and Safety (ASES) Program, a grant funded program delivered by the Department of Library and Recreation Services in conjunction with community partners. The new AYRP would also incorporate the principles of the recently approved Summer Youth Recreation Program. Through implementing the ASES program structure, the AYRP would consist of:

- A 1:20 staff to youth ratio;
- One hour of homework assistance;
- One hour of enrichment; and,
- One hour of nutrition and healthy play.

Additionally, the AYRP would incorporate the philosophy of the Summer Youth Recreation Program which includes:

- The Six Pillars of Character (Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship) as the building blocks of the program; and,
- Infuse the core values of recreation (inclusivity, diversity of experience, lifelong learning, service to community, environmental stewardship, personal development, healthy lifestyles, professional growth, and fun and celebration) within the various components of the program and activities.

City Council Agenda Report

Subject: Afterschool Youth Recreation Program and Fee Increase

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A typical day in the AYRP would consist of:

- **Jumpstart** - A game or activity would be delivered to participants intended to energize and wake up the senses and body after a long day in school;
- **Snack Program** - Leaders would provide an afternoon snack as part of the regular program and incorporate nutritional guidelines consistent with the school year ASES program. Additionally, the program would maintain its' partnership with the "Soda Free Summer" mission;
- **Homework Assistance** – Staff would assist participants with their daily homework assignment, as well as, provide learning activities, additional worksheets, stories and readings;
- **Nutrition / Fitness Activity** – Staff would lead activities from stretching to fitness activities, such as cardio activities, and cooperative play games such as elbow tag and Roshambo revolution. Staff would promote the importance of daily exercise and healthy food options to increase energy levels. Participants, who sign up to participate in the City's youth athletic programs, may have practice during the AYRP timeframe. Active Free Play or Positive Play would be another option to allow participants to explore a range of activities at their own pace. Staff would supervise all areas that the participants were allowed access;
- **Enrichment Activity** – Staff would lead various enrichment activities to provide students with diversity of experiences from Science, Technology, Engineering and Math (STEM) Program workshops to arts and crafts, gardening and creative writing. Kids Choice would be an option where the leaders would supervise areas of exploration play. Participants would create an activity and staff would be involved in some aspect of the programming. Staff would ensure all participants were engaged in the activities; and,
- **Cool Down** - A low energy, low impact activity, usually reviewing the day, bringing the group back together to calmly end the program day.

A sample weekly program schedule is provided as an attachment to this report (Attachment No. 1).

Fiscal Impact

Currently, the Afterschool Youth Recreation Program is delivered at four school sites: Panorama, Junipero Serra, MH Tobias and Daniel Webster Elementary Schools. For the 2010/11 School Year, there were 2,072 AYRP registrations. Over 90% were Daly City residents. To continue to provide

City Council Agenda Report

Subject: Afterschool Youth Recreation Program and Fee Increase

Meeting Date: April 9, 2012

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financial relief to the General Fund while still ensuring families throughout Daly City can afford to enroll their children in AYRP, the proposed fee for the 2012-2013 School Year would be \$50 a month for Daly City residents and \$62 a month for non-residents. The proposed program fees reflect a premium of 25% for non-residents, consistent with prior City Council action.

This would allow Junipero Serra to extend the operating hours of its program to three hours per day, consistent with other AYRP sites. Staff also proposes to prorate the monthly charge to \$25 per month for Daly City residents and \$31 a month for non-residents for the months of August and December when the program only runs for half the month.

The summary below illustrates the anticipated 2012/13 School Year direct cost to deliver the program, based on an average of 60 program participants/per week:

Part-time Hourly Wages	\$112,389.45
Social Security (7.65%)	\$ 8,597.79
Program Supplies	\$ 15,000.00
Promotional Flyers and Office Supplies	<u>\$ 2,000.00</u>
Total Estimated Program Cost	\$137,987.24

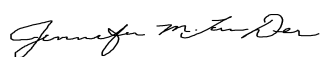
Based on the proposed rates discussed above, it is anticipated the program would generate \$105,750, an increase of \$21,150 annually. The additional revenue attributed from the new fee would lower the General Fund subsidy level of this program by 40% from approximately \$53,400 to approximately \$32,200 annually.

Conclusion

It is recommended that the City Council approve the program enhancements and fee increase for the Afterschool Youth Recreation Program.

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

Respectfully submitted,



Jennifer Der
Recreation Supervisor



Denise Brown
Recreation Services Manager

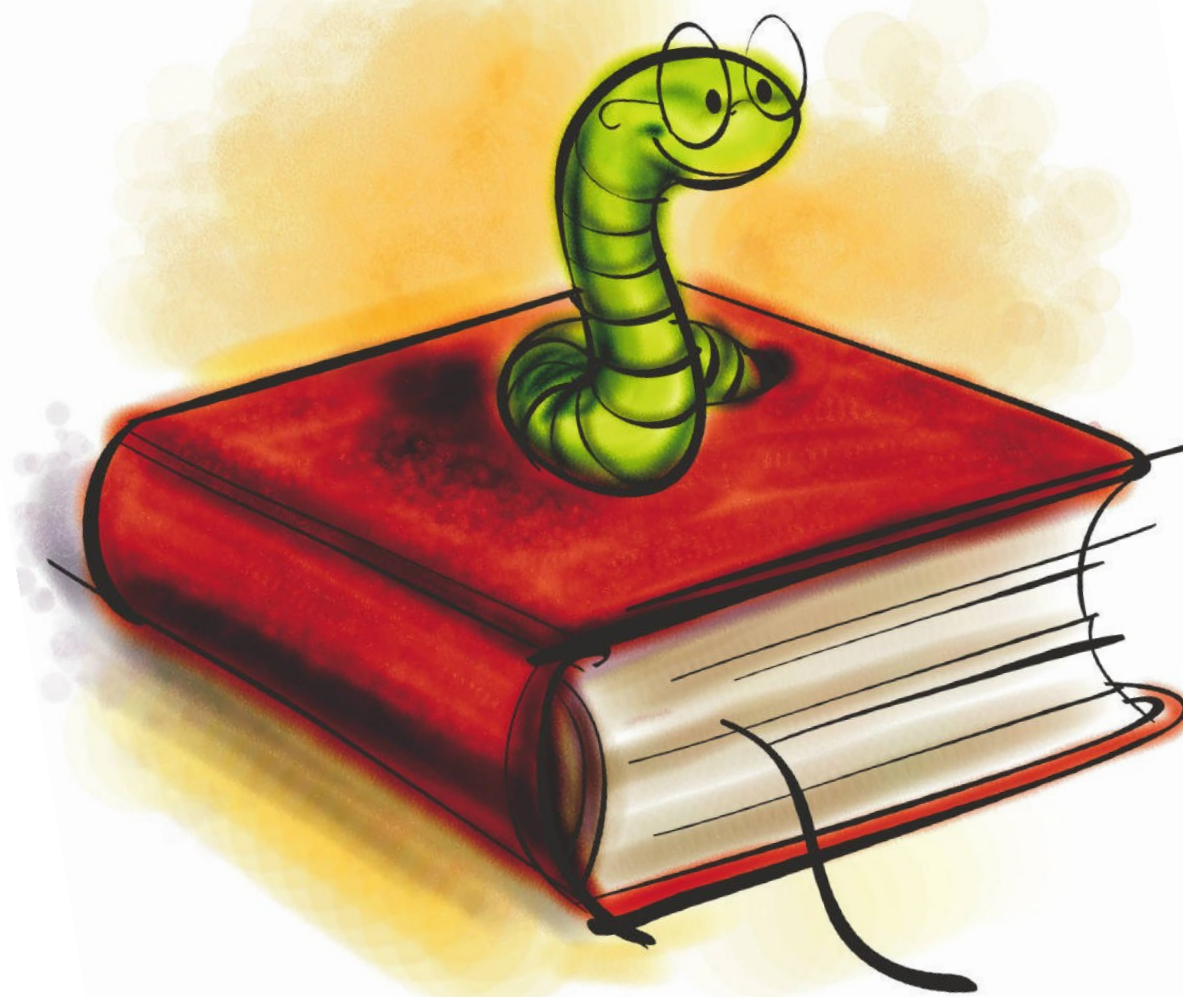


Kerry E. Burns
Assistant City Manager and
Interim Director-Department of
Library and Recreation Services

Attachment: AYRP Weekly Schedule

Daly City Department Library and Recreation Services

Afterschool Youth Recreation Program



M H Tobias School

725 Southgate Ave., Daly City

School Year 2012-13

Afterschool Youth Recreation Program
M H TOBIAS SCHOOL

Your Leaders:

Group 1	Group 2	Group 3	Group 4	Group 5
Rox P.	Donna D.	David Z.	Ray R.	Jen D.

PARTY DAY!
September 28

Ice Cream Fridays
\$3.00

BACK TO SCHOOL
NIGHT
SEPTEMBER
19

5:00– 7:00

REGISTER TODAY!!
SPECIAL
PROGRAMMING:
Flag Football
Practice
MON/ WED/ FRI
4:00– 5:30pm

REGULAR DAY SCHEDULE

3:00 PM	Sign In
	Jumpstart/ Snack
3:30 PM	Homework Hour
	"
4:00 PM	Addt' Worksheets/ Quiet Reading
	"
4:30 PM	Nutrition/ Fitness Activity
	"
5:00 PM	Enrichment
	"
5:30 PM	"
	Clean Up/ Sign Out

Afterschool Youth Recreation Program

M H TOBIAS SCHOOL

EARLY RELEASE DAY SCHEDULE

1:30 PM	
	Sign In
2:00 PM	Jumpstart
	Game/ Activity
2:30 PM	"
	"
3:00 PM	Positive Play- Free Time
	Snack
3:30 PM	Homework Hour
	"
4:00 PM	Addt' Worksheets
	"
4:30 PM	Nutrition/ Fitness Activity
	"
5:00 PM	Enrichment
	"
5:30 PM	"
	Clean-Up/ Sign Out



MINIMUM DAY SCHEDULE

12:30 PM	Sign In
	Jumpstart
1:00 PM	Game/ Activity
	"
1:30 PM	"
	Positive Play- Free Time
2:00 PM	GROUP ACTIVITY
	"
2:30 PM	"
	"
3:00 PM	"
	Snack
3:30 PM	Homework Hour
	"
4:00 PM	Addt' Worksheets
	"
4:30 PM	Nutrition/ Fitness Activity
	"
5:00 PM	Enrichment
	"
5:30 PM	"
	Clean-Up/ Sign Out



ALWAYS MORE PROGRAMS AVAILABLE

ONE CLICK AWAY VISIT:

www.iplaydalycity.org

TODAY!

September 2012

Leader: Rox P.

Group 1

DATE		Nutrition/ Fitness	Enrichment	DATE		Nutrition/ Fitness	Enrichment	DATE		Nutrition/ Fitness	Enrich- ment
SAT	1			SAT	15			SAT	29		
SUN	2			SUN	16			SUN	30		
MON	3	Football Skills	Social Science/ Geography	MON	17	Football Skills	Social Science/ Geography	MON			
TUE	4	Kings and Queens	KidsChoice Science or Math	TUE	18	Cartoon Tag	KidsChoice Science or Math	TUE			
WED	5	Adventure Time	Arts and Crafts	WED	19	Adventure Time	Arts and Crafts	WED			
THU	6	Soccer	Music/ Dance	THU	20	Soccer	Music/ Dance	THU			
FRI	7	Food Fun!	Reading/ Writing	FRI	21	Food Fun!	Reading/ Writing	FRI			
SAT	8			SAT	22			EARLY RELEASE GAMES/ ACTIVITY <u>SEPT 5</u> Ro-Sham-Bo Race <u>SEPT 12</u> Movie Day <u>SEPT 19</u> Jeopardy/ Jacks <u>SEPT 26</u> Paper Football Tournament			
SUN	9			SUN	23						
MON	10	Football Skills	Social Science/ Geography	MON	24	Football Skills	Social Science/ Geography				
TUE	11	Sharks and Dolphins	KidsChoice Science or Math	TUE	25	No Lose Hot Potato	KidsChoice Science or Math				
WED	12	Adventure Time	Arts and Crafts	WED	26	Adventure Time	Arts and Crafts				
THU	13	Soccer	Music/ Dance	THU	27	Soccer	Music/ Dance				
FRI	14	Food Fun!	Reading/ Writing	FRI	28	Food Fun!	Reading/ Writing				



City Council Meeting Agenda Report

Item # _____

Meeting Date: April 9, 2012

Subject: Second Reading, Ordinance No. 1360, Repealing and Replacing Chapter 2.26 and Chapter 2.20 of Title 2 of the Daly City Municipal Code, and Amending Chapter 12.40 and Chapter 12.36 Re: the Public Library, Recreation Commission

Recommended Action

Second Reading, as amended and discussed below, of Ordinance No. 1360 Repealing and Replacing Chapters of the Daly City Municipal Code Regarding the Public Library and Parks and Recreation Commission.

Background

At its meeting on March 26, 2012, the City Council conducted a Public Hearing and introduced for Second Reading, Ordinance No. 1360, repealing and replacing Chapters 2.26 and 2.20 of Title 2 of the Daly City Municipal Code, and amending Chapters 12.40 and 12.36 regarding the Public Library and Recreation Commission.

At the meeting, the following proposed changes to the Ordinance were recommended by Councilmember Canepa:

1. Modify the language in the respective sections regarding relation with the Press (Sections 2.26.070 and 2.20.060);
2. Include a Mission Statement for each Advisory Body; and,
3. Include language clarifying eligibility to serve as a Trustee or Commissioner.

To address these suggested changes, the following is recommended:

1. Language regarding Library Board of Trustee and Recreation Commissioner and their Relation with the Press (Sections 2.26.070 and 2.20.060, respectively) be amended to read as follows: “(Trustees or Commissioners) shall refer all requests for information made by the press to the chair and/or Director of Library and Recreation Services and shall not endeavor to interpret any action of the commission.”
2. The City Council direct the City Manager to work with each of the City’s respective Commissions and Boards to develop Mission Statements for consideration by the City Council.

City Council Agenda Report

Subject: Second Reading, Ordinance No. 1360, Repealing and Replacing Chapter 2.26 and Chapter 2.20 of Title 2 of the Daly City Municipal Code, and Amending Chapter 12.40 and Chapter 12.36 Re: the Public Library, Recreation Commission

Meeting Date: April 9, 2012

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3. The City Council direct the City Manager to schedule a future Public Hearing to amend existing Municipal Code Chapter 2.32 entitled Vacancies on Boards and Commissions to include a section on eligibility to serve as a member of an Advisory Body.

Summary/Conclusion

Staff recommends, through this Second Reading of Ordinance No. 1360, the City Council approve the proposed amendments to the Municipal Code related to the Public Library and the Parks and Recreation Commission.

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

Respectfully submitted,



Kerry E. Burns
Assistant City Manager and
Interim Director of Library and
Recreation Services



Patricia E. Martel
City Manager

ORDINANCE NO. 1360

AN ORDINANCE OF THE CITY OF DALY CITY REPEALING AND REPLACING
CHAPTER 2.26 AND CHAPTER 2.20 OF TITLE 2 OF THE DALY CITY MUNICIPAL
CODE, AND AMENDING CHAPTER 12.40 AND CHAPTER 12.36
RE: PUBLIC LIBRARY, RECREATION COMMISSION

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

- SECTION 1: Chapter 2.26 of Title 2 of the Daly City Municipal Code is hereby repealed.
- SECTION 2: Chapter 2.26 of Title 2 of the Municipal Code is hereafter added to read as follows:

Chapter 2.26

PUBLIC LIBRARY

Sections:

- 2.26.010 Established**
- 2.26.020 Board of Library Trustees – Created**
- 2.26.030 Membership – Appointment – Compensation**
- 2.26.040 Membership – Term**
- 2.26.050 Membership – Vacancy or Removal**
- 2.26.060 President – Vice-President – Term**
- 2.26.070 Relation with the Press**
- 2.26.080 Relation to the City Council**
- 2.26.090 Recordkeeping**
- 2.26.100 Powers and Duties**
- 2.26.110 Effect**
- 2.26.120 Relation to Staff**
- 2.26.130 Meetings**
- 2.26.140 Maintenance and Purchase Tax Levy**

- 2.26.010 Established**

The public interest, necessity, convenience and general welfare of the City require, and the City Council hereby authorizes, orders and directs the establishment in the City of a public library in accordance with the provisions of sections 18900 to 18964 of the State Education Code.

2.26.020 Board of Library Trustees – Created

The Mayor is directed by and with the consent of the City Council to appoint a Board of Library Trustees, consisting of five members, which shall have such powers, duties and authority as are set out in sections 18910 to 18927 of the State Education Code.

2.26.030 Membership – Appointment – Compensation

The City Library Board of Trustees shall consist of five members, to be appointed by the Mayor, subject to the confirmation of the City Council. Such members shall serve without compensation.

2.26.040 Membership – Term

Trustees serve in an advisory capacity at the pleasure of the City Council. Initially, the terms of two members of the Library Board of Trustees shall be for two years. The remaining three members shall serve for three years. Thereafter, the terms of all members shall be for three years.

2.26.050 Membership – Vacancy or Removal

Any member may be removed, with or without cause, by a majority vote of the City Council. If a vacancy occurs, other than by expiration of a term, it shall be filled by the Mayor's appointment and confirmation by the City Council for the unexpired portion of the term.

2.26.060 President – Vice-President – Term

Upon appointment and organization of the Library Board of Trustees, the members shall select, from among themselves, a President and a Vice-President, whose terms of office shall extend for a period of one year.

2.26.070 Relation with the Press

Trustees shall refer all requests for information made by the press to the chair and/or Director of Library and Recreation Services and shall not endeavor to interpret any action of the Board.

2.26.080 Relation to the City Council

The position of the Board, on all matters which the Board wishes brought before the City Council, will be done by either the President, Vice-President, or other designated Trustee or staff member.

2.26.090 Recordkeeping

The Staff Liaison, or designee, shall act as a Secretary of the Library Board of Trustees and shall keep a record of all proceedings, determinations and transactions of the Board. Such record shall be a public record, and a copy of such record shall be filed with the City Clerk.

2.26.100 Powers and Duties

The powers and duties of the Library Board of Trustees shall be as follows:

- A. Act in an advisory capacity to the City Council on all matters pertaining to the public library offered by the City, including key budget items, capital improvements, facility issues affecting the community, recommendations for user

fees, service levels in relation to core and discretionary programs, fundraising initiatives, and legislative issues affecting the Department of Library and Recreation Services while addressing the diverse elements of the Daly City community.

- B. Consider the annual budget of the Department of Library and Recreation Services prior to its submission by the City Manager to the City Council and provide advice with respect thereto to the City Manager and to the City Council.
- C. Provide advice and community perspectives regarding library services and programming for the inhabitants of the City, promote and stimulate public interest therein and to the fullest possible extent the cooperation of special authorities and other public and private agencies interested therein.
- D. To gather community opinions, needs and perceptions regarding library opportunities and needs and to advise the Director of Library and Recreation Services of this information. Further, to provide information to the community regarding available programs and facilities and encourage their participation and use.

2.26.110 Effect

Nothing in this chapter shall be construed as restricting or curtailing any of the powers of the City Council or City Officers, or the delegation to the Library Board of Trustees of any authority or discretionary powers imposed by law in such Council or Officers. The City Council declares that the public interest and convenience requires the appointment of a Library Board to act in a purely advisory capacity to the City Council.

2.26.120 Relation to Staff

The City Manager shall appoint a Staff Liaison to the Board of Trustees who will coordinate and provide all staff support. The Staff Liaison will attend all board meetings and act as Secretary to the Board. She/he will bring department related policy matters for consideration to the Board as well as respond to policy related inquiries.

2.26.130 Meetings

- A. Regular meetings shall be held on the third Tuesday of each month at 6:00 p.m. in the Daly City Council Chambers located at 333 90th Street, Daly City, California.
- B. The Board may approve a Special Meeting in an alternative location and/or alternative date.
- C. All meetings shall be open to the public and shall be held in accordance with the Ralph M. Brown Act. Public participation shall be encouraged prior to the Board taking an action on any item.
- D. Agenda for meetings will be prepared by the Staff Liaison in consultation with the President. The Board may suggest agenda items to the President for inclusion on an agenda. The agenda shall appropriately provide a section for public comment

on matters not on the agenda.

- E. Minutes of all meetings shall be kept and filed with the City Clerk.

2.26.140 Maintenance and Purchase Tax Levy

The City Council may, in making the annual tax levy, and as a part thereof, levy a tax for the purpose of maintaining the public library and purchasing property necessary therefor. Such tax shall be in addition to other taxes, the levy of which is permitted in the City.

SECTION 3: Chapter 2. 20 of Title 2 of the Daly City Municipal Code is hereby repealed.

SECTION 4: Chapter 2.20 of Title 2 of the Municipal Code is hereafter added to read as follows:

Chapter 2.20

RECREATION COMMISSION

Sections:

- 2.20.010 Recreation Commission – Created**
- 2.20.020 Membership – Appointment - Compensation**
- 2.20.030 Membership – Term**
- 2.20.040 Membership – Vacancy or Removal**
- 2.20.050 Chair – Vice-Chair – Term**
- 2.20.060 Relation with the Press**
- 2.20.070 Relation to the City Council**
- 2.20.080 Recordkeeping - Filing**
- 2.20.090 Powers and Duties**
- 2.20.100 Effect**
- 2.20.110 Relation to Staff**
- 2.20.120 Meetings**

2.20.010 Recreation Commission – Created

Pursuant to Section 10900 et seq. of the California Education Code there is created an advisory recreation commission in and for the City.

2.20.020 Membership – Appointment - Compensation

The City Recreation Commission shall consist of five members, to be appointed by the Mayor, subject to the confirmation of the City Council. Such members shall serve without compensation.

2.20.030 Membership – Term

Commissioners serve in an advisory capacity at the pleasure of the City Council. Initially, the terms of two members of the Recreation Commission shall be for two years. The remaining three members shall serve for three years. Thereafter, the terms of all members shall be for three years.

2.20.040 Membership – Vacancy or Removal

Any member may be removed, with or without cause, by a majority vote of the City Council. If a vacancy occurs, other than by expiration of a term, it shall be filled by the Mayor's appointment and confirmation by the City Council for the unexpired portion of the term.

2.20.050 Chair – Vice-Chair – Term

Upon appointment and organization of the Recreation Commission, the members shall select, from among themselves, a Chair and a Vice Chair, whose terms of office shall extend for a period of one year.

2.20.060 Relation with the Press

Commissioners shall refer all requests for information made by the press to the chair and/or Director of Library and Recreation Services and shall not endeavor to interpret any action of the Commission.

2.20.070 Relation to the City Council

The position of the Commission, on all matters which the Commission wishes brought before the City Council, will be done by either the Chair, Vice Chair, or designated Commissioner or staff member.

2.20.080 Recordkeeping - Filing

The Staff Liaison, or designee, shall act as Secretary of the Recreation Commission and shall keep a record of all the proceedings, determinations and transactions of the Commission. Such record shall be a public record, and a copy of such record shall be filed with the City Clerk.

2.20.090 Powers and Duties

The powers and duties of the Recreation Commission shall be as follows:

- A. Act in an advisory capacity to the City Council on all matters pertaining to recreation services offered by the City, including key budget items, capital improvements, facility issues affecting the community, recommendations for user fees, service levels in relation to core and discretionary programs, fundraising initiatives, and legislative issues affecting the Department of Library and Recreation Services while addressing the diverse elements of the Daly City community.
- B. Consider the annual budget of the Department of Library and Recreation Services prior to its submission by the City Manager to the City Council and provide

advice with respect thereto to the City Manager and to the City Council.

- C. Provide advice and community perspectives regarding recreation services and programming for the inhabitants of the City, promote and stimulate public interest therein and to the fullest possible extent the cooperation of special authorities and other public and private agencies interested therein.
- D. To gather community opinions, needs and perceptions regarding recreational opportunities and needs and to advise the Director of Library and Recreation Services of this information. Further, to provide information to the community regarding available programs and facilities and encourage their participation and use.

2.20.100 Effect

Nothing in this chapter shall be construed as restricting or curtailing any of the powers of the City Council or City Officers, or the delegation to the Recreation Commission of any authority or discretionary powers imposed by law in such City Council or City Officers. The City Council declares that the public interest and convenience requires the appointment of a Recreation Commission to act in a purely advisory capacity to the City Council.

2.20.110 Relation to Staff

The City Manager shall appoint a Staff Liaison to the Recreation Commission who will coordinate and provide all staff support. The Staff Liaison will attend all Commission meetings and act as Secretary to the Commission. She/he will bring Department related policy matters for consideration to the Commission as well as respond to policy related inquiries.

2.26.120 Meetings

- A. Regular meetings shall be held on the fourth Tuesday of each month at 6:00 p.m. in the Daly City Council Chambers located at 333-90th Street, Daly City, California.
- B. The Commission may approve a Special Meeting in an alternative location and/or on an alternative date.
- C. All meetings shall be open to the public and shall be held in accordance with the Ralph M. Brown Act. Public participation shall be encouraged prior to the Commission taking an action on any item.
- D. Agenda for meetings will be prepared by the Staff Liaison in consultation with the Chair. The Commission may suggest agenda items to the Chair for inclusion on an agenda. The agenda shall appropriately provide a section for public comment on matters not on the agenda.
- E. Minutes of all meetings shall be kept and filed with the City Clerk.

SECTION 5: **Section 12.40.020 – Definitions** – is amended to read as follows:

“Director” means the Public Works Director.

SECTION 6: Section 12.40.030- Enforcement/appeals. – is amended to read as follows:

The Director of Public Works or his/her authorized representative shall be responsible for the administration and enforcement of this chapter.

- A. Any action of the Director of Public Works may be appealed and heard by the Parks Advisory Board. To be effective, an appeal must be filed within ten days after the decision of the director. The appeal shall be in writing and shall be filed with the director for placement in the Board’s agenda. The appeal shall clearly specify the reason for which a hearing is requested. After a hearing, the Parks Advisory Board shall render its decision.

Any action of the Parks Advisory Board may be appealed and heard by the City Council. To be effective, an appeal must be filed within ten days after the decision of the Board. The appeal shall clearly specify the reason for which a hearing is requested. After a hearing, the City Council shall render its decision which shall be final.

- B. Alternatively, violations, appeals, cost recovery and abatement of any violation of this chapter may be addressed pursuant to Chapter 8.16, the city’s property maintenance and nuisance abatement ordinance.

SECTION 7: Section 12.36.10 is amended as to the following definitions only, to read as follows:

“Commission” means the Recreation Commission of the City.

“Director” means the Director of Library and Recreation Services.

SECTION 8: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Daly City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 9: The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378, that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project as provided by the Act, in that it does not have a potential for resulting in a detrimental physical change in the environment, directly or ultimately, as provided in Title 14, Section 15378(a), and that it

is also exempt under the definition of "project" in Section 15378(b)(3) in that it concern general policy and procedure making.

SECTION 10:

Publication and Effective Date. Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post it in the City Clerk's Office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary and (2) post in the City Clerk's Office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This ordinance shall be in full force and effect thirty (30) days after adoption by the City Council of the City of Daly City

Introduced this 26th day of March, 2012.

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 _____, 2012, 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

ORDINANCE NO. 1361

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY
ADDING CHAPTER 8.62 TO THE DALY CITY MUNICIPAL CODE RELATING
TO THE PROHIBITION OF MEDICAL MARIJUANA DISTRIBUTION FACILITIES

WHEREAS, in 1970, Congress enacted the Controlled Substances Act ("CSA") which, among other things, makes it illegal to import, manufacture, distribute, possess, or use marijuana in the United States; and

WHEREAS, in 1996, the voters of the State of California approved Proposition 215, known as the Compassionate Use Act ("CUA") (codified as Health and Safety (H&S) Code section 11362.5 *et seq.*); and

WHEREAS, the CUA creates a limited exception from criminal liability for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited, specified circumstances; and

WHEREAS, on January 1, 2004, the "Medical Marijuana Program" (MMPA), codified as H&S Code sections 11362.7 to 11362.83, was enacted by the California Legislature to clarify the scope of the Act and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with the MMPA; and

WHEREAS, the CUA expressly anticipates the enactment of additional legislation at the local level in stating: "Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes" (H&S Code section 11362.5); and

WHEREAS, on August 31, 2011, the California Legislature passed AB 1300 which explicitly authorizes cities to "adopt and enforce local ordinances regulating the location, operation, or establishment of a medical marijuana cooperative or collective;" and

WHEREAS, the City Council takes legislative notice of the fact that a number of California cities and counties, which have permitted the establishment of medical marijuana distribution facilities or "dispensaries", have experienced serious adverse impacts associated with and resulting from such uses. According to these communities, according to news stories widely reported and according to medical marijuana advocates, medical marijuana distribution facilities have resulted in and/or caused an increase in crime, including burglaries, robberies, violence, illegal sales of marijuana to, and use of marijuana by, minors and other persons without medical need in the areas immediately surrounding such medical marijuana distribution facilities. A California Police Chiefs Association compilation of police reports, news stories and statistical research regarding such secondary impacts is contained in a 2009 white paper report located at:
<http://www.procon.org/sourcefiles/CAPCAWhitepaperonMarijuanaDispensaries.pdf>; and

WHEREAS, the City Council further takes legislative notice that in 2011, there were

723 drug and/or alcohol related arrests in Daly City, and 59 of those arrests were directly related to marijuana, including 8 arrests for possession of marijuana on school grounds; and

WHEREAS, the City Council further takes legislative notice that in 2011, the Daly City Police Department issued 51 drug-related citations in the City, and 7 of those citations were specifically for illegal possession of marijuana; and

WHEREAS, the City Council further takes legislative notice that the San Mateo County Narcotics Task Force found 25 marijuana grow houses within the City of Daly City, accounting for approximately 50% of all marijuana grown with the County of San Mateo; and

WHEREAS, the City Council further takes legislative notice that in 2010, there were at least four takeover robberies at cannabis clubs in San Jose (Sean Webby, *Police: Criminals Targeting San. Jose's Medicinal Marijuana Clubs*, San Jose Mercury News (Dec. 16, 2010)) and that residential homes growing marijuana for medical marijuana distribution facilities have been targeted for home invasions (Sean Webby & Mark Gomez, *San Jose: Another Violent Pot Robbery Stokes Cop's Fear of Trend*, San Jose Mercury News (Dec. 30, 2010)); and

WHEREAS, the City Council reasonably anticipates that the City of Daly City will experience similar adverse impacts and effects to those noted in other California communities, especially given historic drug, gang, violence and crime activities and statistics in Daly City; and

WHEREAS, the City Council further takes legislative notice that the California Attorney General has adopted guidelines for the interpretation and implementation of the state's medical marijuana laws, which are entitled "GUIDELINES FOR THE SECURITY AND NON-DIVERSION OF MARIJUANA GROWN FOR MEDICAL USE (August 2008)" and the Attorney General has stated in the guidelines that "[although medical marijuana dispensaries' have been operating in California for years, dispensaries, as such, are not recognized under the law". These guidelines are available electronically and can be found at: http://ag.ca.gov/cms_attachments/press/pdfs/n1601_medicalmarijuanaguidelines.pdf; and

WHEREAS, the City Council further takes legislative notice that the experience of other cities has been that many medical marijuana distribution facilities or "dispensaries" do not operate as true cooperatives or collectives in compliance with the MMPA and the Attorney General Guidelines, and thus these businesses are engaged in cultivation, distribution and sale of marijuana in a manner that remains illegal under both California and federal law; as a result, the City would be obligated to commit substantial resources to regulating and overseeing the operation of medical marijuana distribution facilities to ensure that the facilities operate lawfully and are not fronts for illegal drug trafficking; and, furthermore, it is uncertain whether even with the dedication of significant resources to the problem, the City would be able to prevent illegal conduct associated with medical marijuana distribution facilities, such as illegal cultivation and transport of marijuana and the distribution of marijuana between persons who are not qualified patients or caregivers under the CUA and MMPA; and

WHEREAS, the City Council further takes legislative notice that concerns about nonmedical marijuana use arising in connection with the CUA and the MMPA also have been recognized by state and federal courts in case decisions. (See, e.g., *Bearman v. California Medical Bd.* (2009) 176 Ca1App,4th 1688; *People ex ref Lungren v, Peron* (1997) 59 Cai.App.4th 1383, 1386 to 1387; *Gonzales v, Raich* (2005) 545 U.S. 1); and

WHEREAS, the City Council further takes legislative notice that the use, possession, distribution and sale of marijuana remain illegal under the CSA (*Bearman v. California Medical Bd.* (2009) 176 CaJ.App.4th 1588); that the federal courts have recognized that despite California's CUA and MMPA, marijuana is deemed to have no accepted medical use (*Gonzales v, Raich*, 545 U.S. 1; *United States v. Oakland Cannabis Buyers' Cooperative* (2001) 532 U.S. 483); that medical necessity has been ruled not to be a defense to prosecution under the CSA (*United States v, Oakland Cannabis Buyers' Cooperative*, 532 U.S. 483); and that the federal government properly may enforce the CSA despite the CUA and IVIMP (*Gonzales v, Raich*, 545 U.S. 1); and

WHEREAS, an ordinance prohibiting medical marijuana distribution facilities, or the issuance of any permits, licenses or entitlements for medical marijuana distribution facilities, is declaratory of existing local law and necessary and appropriate to maintain and protect the public health, safety and welfare of the citizens of the City.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DALY CITY
ORDAINS AS FOLLOWS:

SECTION 1: The above constitute the Council's findings, which are hereby incorporated herein by this reference as if fully set forth in their entirety.

SECTION 2: Chapter 8.62 of Title 8 of the Daly City Municipal Code is hereby added to read as follows:

Chapter 8.62

Medical Marijuana Distribution Facilities

Sections

8.62.010 Definitions.

8.62.020 Operation of medical marijuana distribution facilities prohibited.

8.62.030 Violation – penalty.

Section 8.62.010 Definitions

A A "medical marijuana distribution facility" is any facility or location, whether fixed or mobile, engaging in the retail sale, dispensation, or distribution of marijuana for medical purposes for medical purposes under the purported authority of California Health and Safety Code section 11362.5 et seq.

- B. "Medical marijuana distribution facility" shall not include the following uses, so long as such uses comply with this Code, Health and Safety Code section 11362.5 et seq. and other applicable law
- 1) A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.
 - 2) A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.
 - 3) A residential care facility for persons with chronic life-threatening illness license pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.
 - 4) A residential care facility for the elderly license pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.
 - 5) A hospice or home health agency, license pursuant to Chapter 8 of Division 2 of the Health and Safety Code

Section 8.62.020 Operation of medical marijuana distribution facilities prohibited.

Medical marijuana distribution facilities, as defined in this Article, are prohibited in the City of Daly City, unless or until this chapter is amended by an ordinance adopted by the city council. No medical marijuana distribution facility shall operate, locate, or otherwise be permitted within the City of Daly City, unless such amendments are adopted by the city council and become effective.

Section 8.62.030 Violation-penalty.

Any person found to be in violation of any provision of this chapter shall be subject to enforcement remedies as set forth in Title 1, at the discretion of the City Attorney, including, but not limited to prosecution as a misdemeanor violation punishable as set forth in Chapter 1.12 of the Daly City Municipal Code. In addition, the City may enforce the violation of this chapter by means of civil enforcement through a restraining order, a preliminary or permanent injunction, or by any other means authorized by law.

SECTION 3: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Daly City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378, that this Ordinance is exempt from the

requirements of the California Environmental Quality Act (CEQA) in that it is not a project as provided by the Act, in that it does not have a potential for resulting in a detrimental physical change in the environment, directly or ultimately, as provided in Title 14, Section 15378(a), and that it is also exempt under the definition of "project" in Section 15378(b)(3) in that it concern general policy and procedure making.

SECTION 5:

Publication and Effective Date. Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post it in the City Clerk's Office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary and (2) post in the City Clerk's Office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This ordinance shall be in full force and effect thirty (30) days after adoption by the City Council of the City of Daly City

Introduced this 26th day of March 2012.

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 _____, 2012, 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