

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, December 10, 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:

Commending Daly City Employees for Heroic Actions

Commending the Graduates of Citizens Academy 5

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 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.

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.

Resolutions:

1. Commending Judith M. Bush on the Occasion of Her Retirement
2. Commending Michele Courtney on the Occasion of Her Retirement
3. Commending Gail DeFries on the Occasion of Her Retirement
4. Commending Sharon Payne on the Occasion of Her Retirement
5. Commending Toni Terranova on the Occasion of Her Retirement
6. Amending Traffic Regulations as follows:
 1. Removing parking meters and installing one-hour time limited parking (green) zone along the north side of San Pedro Road between Washington Street and Dunks Street. The green zone is to be enforceable between the hours of 8 a.m. to 6 p.m., Mondays through Saturdays. (TSR 13/19)
 2. Installing additional 27-ft. No Parking (Red) zone in front of 390 - 88th Street. (TSR 13/20)
 3. Eliminating preferential residential parking zone on B Street. (TSR 13/23)
7. Authorizing the City Manager to Submit Grant Applications to the City/County Association of Governments (C/CAG)
8. Adopting the Composite Summary Memorandum of Understanding between the City of Daly City and the Teamsters Local 856 Public Safety Dispatchers/Police Assistants Unit
9. Reporting on Certification of Official Canvass of Votes Cast and Resolution Declaring Results of Votes Cast
10. Setting Time and Place for a Hearing on Proposed Zone Change ZC-5-12-5591, Minor Subdivision SUB-3-12-5282, Design Review DR-3-12-5283, and CEQA-5-12-5592, West Side of Third Avenue (Between Castle Street and Habitat Way), APN'S (006-253-490 & 006-253-500)

END OF CONSENT AGENDA

PUBLIC HEARINGS:

11. Public Hearing on Community Development and Housing Needs

Staff:

ZoBell

Recommended Action:

Open/Close Hearing

Adopt Resolution
Roll Call

12. Consideration of a Proposed Ordinance Adding Chapter 8.66 to the Daly City Municipal Code Regarding Reusable Bags

Staff:

Curran

Recommended Action:

Open/Close Hearing

Motion for City Attorney to Read by Title Only

Councilmember Introduce Ordinance

COMMUNICATIONS:

13. Presentation of Comprehensive Annual Financial Report

Staff:

McVey

Recommended Action:

Motion to Accept Report

14. Appropriating \$991,100 from Water Fund Balance to Cover Expenses Associated with the Hillside Park Slide Repair and Update on Local Emergency

Staff:

Sweetland

Martel

Recommended Action:

Adopt Resolution

Roll Call

AWARD OF BIDS/CONTRACTS:

15. Approval of Bid Award for the Purchase of Two Ford F350 Trucks

Staff:

Fuller

Recommended Action:

Adopt Resolution

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:

16. Council Committee

17. City Council

18. Staff

ADJOURNMENT:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
COMMENDING JUDITH M. BUSH
ON THE OCCASION OF HER RETIREMENT

WHEREAS, JUDITH M. BUSH's last day in the office will be on December 12, 2012, concluding over eighteen years of dedicated service with the City of Daly City; and

WHEREAS, Judy Bush began her career with the City of Daly City on March 29, 1994 as a Typist Clerk in the Parks and Recreation's Administrative offices. She became familiar with all areas of the Department's administrative functions, such as creation of the Activity Guide, accounting processes, facility reservations, and class registration; and

WHEREAS, within a few years Judy became the unofficial "expert" for classes, programs, and league registration; interacting regularly with staff and citizens in all aspects of the registration process. In 2006, she became the coordinator of the Active.com class software for the department, insuring smooth installation, training and implementation. She was very instrumental in bringing forward the iPlay online registration to the Department the following year; and

WHEREAS, in 2011, Judy was promoted to the position of Administrative Assistant to the newly consolidated Department of Library and Recreation Services where she assisted with all aspects of the transition and supported the interim Director, Recreation Services Manager, Library Services Manager, as well as, all of the employees within the Department; and

WHEREAS, Judy has been extremely active in the community serving as a volunteer for the South San Francisco Friends of Parks and Recreation and the South San Francisco Improving Public Places Committee. She is also a member of other community groups within the City of South San Francisco. In 2008 she was elected as a Trustee for the South San Francisco Unified School District, currently serves as the President and was re-elected in November of 2012; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daly City that it does hereby acknowledge JUDITH M. BUSH for her many years of commitment to the Daly City Community and extends its best wishes to JUDY, on the occasion of her retirement.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
COMMENDING JUDITH M. BUSH
ON THE OCCASION OF HER RETIREMENT

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a regular meeting thereof held on the _____ day of _____, 2012, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:_____

NOES, Councilmembers:_____

ABSENT, Councilmembers:_____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
COMMENDING MICHELE COURTNEY ON THE OCCASION OF HER RETIREMENT

WHEREAS, MICHELE COURTNEY will be retiring on December 21, 2012, concluding a twenty-year career with the City of Daly City; and

WHEREAS, Michele first began her employment with the City of Daly City in 1970 as a Clerk Typist in the Public Works/Water Department, staying with the City for two years. Michele returned to Daly City employment in 1989, working fulltime in the Economic and Community Development Department as a Secretary III before receiving a promotional appointment to her position as ECD Program Administrator in 2011; and

WHEREAS, she has performed a wide range of duties within the Economic and Community Development Department as she advanced through her career; and

WHEREAS, Michele has provided support to the Department staff in helping complete and post staff reports and other items for City Council packets; and

WHEREAS, her duties also included management of the Department's web pages, including posting of meeting information, reports and other information for the public; and

WHEREAS, Michele has served as supervisor for various Departmental administrative staff over the years, in support of Building, Code Enforcement, Housing and Community Development, and Planning activities;

WHEREAS, Michele has taken a lead role in implementing and utilizing various permit tracking and automated systems for permits and properties, including Energov; and

WHEREAS, she has consistently demonstrated a professional, courteous, and friendly demeanor with the public and with co-workers; and

WHEREAS, Michele will now have time to devote to her next adventure: traveling with her husband Tom to Europe and other ports of call; and

WHEREAS, the City has been very fortunate to have had the devoted service of MICHELE COURTNEY. Her experience and attention to detail made her a valuable source of information for employees and citizens alike. Michele has provided exemplary public service, and more than a little counseling to staff along the way.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daly City that it does hereby commend MICHELE COURTNEY for her many years of dedicated service and extends its best wishes to Michele upon the occasion of her retirement.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
COMMENDING MICHELE COURTNEY ON THE OCCASION OF HER RETIREMENT

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a regular meeting thereof held on the _____ day of _____, 2012, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:_____

NOES, Councilmembers:_____

ABSENT, Councilmembers:_____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
COMMENDING GAIL DEFRIES ON THE OCCASION OF HER RETIREMENT

WHEREAS, GAIL DEFRIES will be retiring on December 21, 2012, concluding a twenty-year career with the City of Daly City; and

WHEREAS, Gail began her employment with the City of Daly City in 1991, starting as a Typist Clerk II in the Public Works/Engineering Department, coming to the Economic and Community Development Department in 1993, where she remained through retirement. In 2001, Gail was promoted to the level of Secretary III, and reclassified to her position as Administrative Assistant in 2011; and

WHEREAS, she has performed her wide range of duties within the Economic and Community Development Department professionally and promptly; and

WHEREAS, Gail has provided support to the Planning Commission in preparing and distributing Commissioner packets and agendas, and in preparing minutes for countless meetings over the years; and

WHEREAS, her duties included serving as the administrative center for functions of the Department, in support of Building, Code Enforcement, Housing and Community Development, and Planning activities, including processing of timesheets, requisitions, assisting in Budget preparation and oversight, processing of mail, coordination of phone services for public inquiries, as well as serving in the role of Special Events and Social Coordinator for the Department, including organizing quarterly Departmental meetings; and

WHEREAS, Gail has been commended over the years for her professional, courteous, and friendly demeanor with the public and with co-workers; and

WHEREAS, Gail will now have time to devote to her family and friends; retirement will commence with a trip to Hawaii with her husband Victor; and

WHEREAS, the City has been very fortunate to have had the devoted service of GAIL DEFRIES. Her experience and years of quality customer service made her a valuable source of information for employees and citizens alike. Gail has served our City well. Her kind heart, willingness to listen to staff and her genuine compassion for others will be deeply missed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daly City that it does hereby commend GAIL DEFRIES for her many years of dedicated service and extends its best wishes to Gail upon the occasion of her retirement.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
COMMENDING GAIL DEFRIES ON THE OCCASION OF HER RETIREMENT

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a regular meeting thereof held on the _____ day of _____, 2012, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:_____

NOES, Councilmembers:_____

ABSENT, Councilmembers:_____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
COMMENDING SHARON PAYNE
ON THE OCCASION OF HER RETIREMENT

WHEREAS, SHARON PAYNE is retiring on December 28, 2012, concluding a devoted seven years of service with the City of Daly City; and

WHEREAS, Sharon began her career in the Finance Department Accounting Division in May 2005 as a temporary hourly Account Clerk I where she performed various clerical work; and

WHEREAS, Sharon was appointed as a full-time permanent Account Clerk I in the Accounting Division in January 2007 when she was assigned Accounts Payable functions and also worked as a Cashier; and

WHEREAS, Sharon contributed to keeping the bi-weekly Accounts Payable check runs on time; made suggestions to improve efficiency in Accounts Payable; did the testing for the Accounts Payable conversion from IFAS classic to IFAS 7i; maintained positive working relationships with other City employees and vendors throughout her career in the City of Daly City; and

WHEREAS, Sharon provided good customer service as a Cashier; was always flexible in adjusting her work to accommodate emergency Cashier situations; and

WHEREAS, Sharon's performance exceeded the requirements for an Account Clerk I, so she was promoted to Account Clerk II in January 2009.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daly City that it does hereby acknowledge SHARON PAYNE for her many years of commitment to the Daly City Community and extends its best wishes to SHARON on the occasion of her retirement.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a regular meeting thereof held on the _____ day of _____, 2012, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: _____

NOES, Councilmembers: _____

ABSENT, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
COMMENDING TONI TERRANOVA
ON THE OCCASION OF HER RETIREMENT

WHEREAS, TONI TERRANOVA is retiring on December 27, 2012, concluding a devoted twenty-five years of service with the City of Daly City; and

WHEREAS, Toni began her career in the Finance Department Payroll Division in November 1987 as an Account Clerk I where she helped process the bi-weekly payroll, also working as a Cashier; and

WHEREAS, while continuing to work in the Payroll Division, Toni was given a part-time temporary assignment in January 1992 as an Account Clerk II in the Accounting Division to fill a vacancy in the Accounting Division; and

WHEREAS, Toni was promoted to Account Clerk II in the Accounting Division in January 1994, then to Account Clerk III in January 1997, then to Accounting Technician in May 2000 and finally to her present position as Senior Accounting Technician in September 2001; and

WHEREAS, Toni earned her Associate Degree in Accounting from Skyline College in 1995; participated in the City's Collaborative Leadership Academy in 1996 after which she participated in facilitating some conflict resolution meetings; and

WHEREAS, Toni worked on most areas of Accounting throughout her career, including the General Ledger, Accounts Payable, Grants Accounting, Business License, and Fixed Assets, made recommendations to improve efficiency and simplify work procedures, and consistently demonstrated her technical skills and willingness to learn more and to help where help was needed; and

WHEREAS, Toni helped in various special projects including GASB34 implementation, accounting system conversion from Eden Systems to IFAS, automation of cash receipts posting to IFAS, cross-over from IFAS classic to IFAS 7i, and the United Way/Combined Health Appeal campaign; and

WHEREAS, Toni's dedication, attention to details, and positive work attitude have earned her several STAR awards from other City employees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daly City that it does hereby acknowledge TONI TERRANOVA for her many years of commitment to the Daly City Community and extends its best wishes to TONI on the occasion of her retirement.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a regular meeting thereof held on the _____ day of _____, 2012, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: _____

NOES, Councilmembers: _____

ABSENT, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY



City Council Agenda Report

Item # _____

Meeting Date: December 10, 2012

Subject: Amend Traffic Regulations

Recommended Action

Recommend the City Council amend the City's traffic regulations as follows:

1. Remove parking meters and install one-hour time limited parking (green) zone along the north side of San Pedro Road between Washington Street and Dunks Street. The green zone is to be enforceable between the hours of 8:00 am to 6:00 pm, Mondays through Saturdays. (TSR 13/19)
2. Install additional 27-ft. No Parking (Red) zone in front of 390 – 88th Street. (TSR 13/20)
3. Eliminate preferential residential parking zone on B Street. (TSR 13/23)

Background

On November 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 one-hour limited parking zone would continue to serve the businesses in the area without requiring City staff to maintain the parking meters. Several of the parking meters have been vandalized recently, costing \$300/a head to replace. Local businesses also supported the change as being helpful to their customers.
2. The requested red zone is needed for emergency vehicle parking. American Medical Response operates out of the building.
3. The preferential residential parking zone on B Street was originally requested by the residents at 160, 185 and 195 B Street after the Colma BART station opened. Two of the residential homes have been removed and currently, only 160 B Street remains. The City does not have any recent records for parking permit requests on B Street. Eliminating the residential parking zone would open additional parking spaces for the general public that is currently not being utilized before 10 a.m. Local businesses have requested the change.

Fiscal Impact

Funding is available for the proposed signs and/or markings, in the Street Maintenance operating budget 01-314-330, for the current fiscal year (2012-13).

Summary/Conclusion

Recommend the City Council amend the aforementioned traffic regulation.

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

Respectfully submitted,

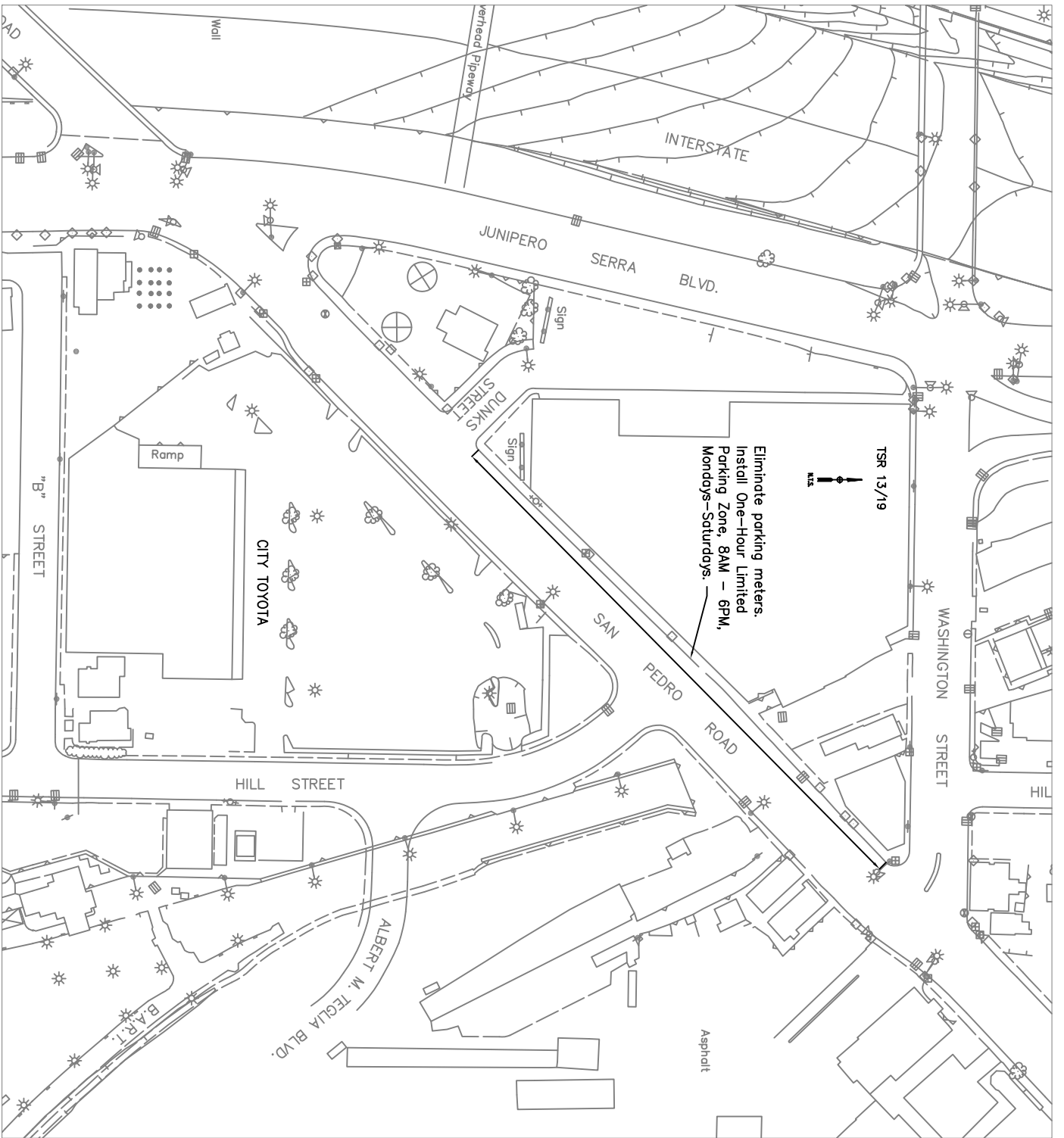


Shirley Chan
Traffic Engineer



John L. Fuller
Director of Public Works

Attachment: Traffic Improvements Location Maps



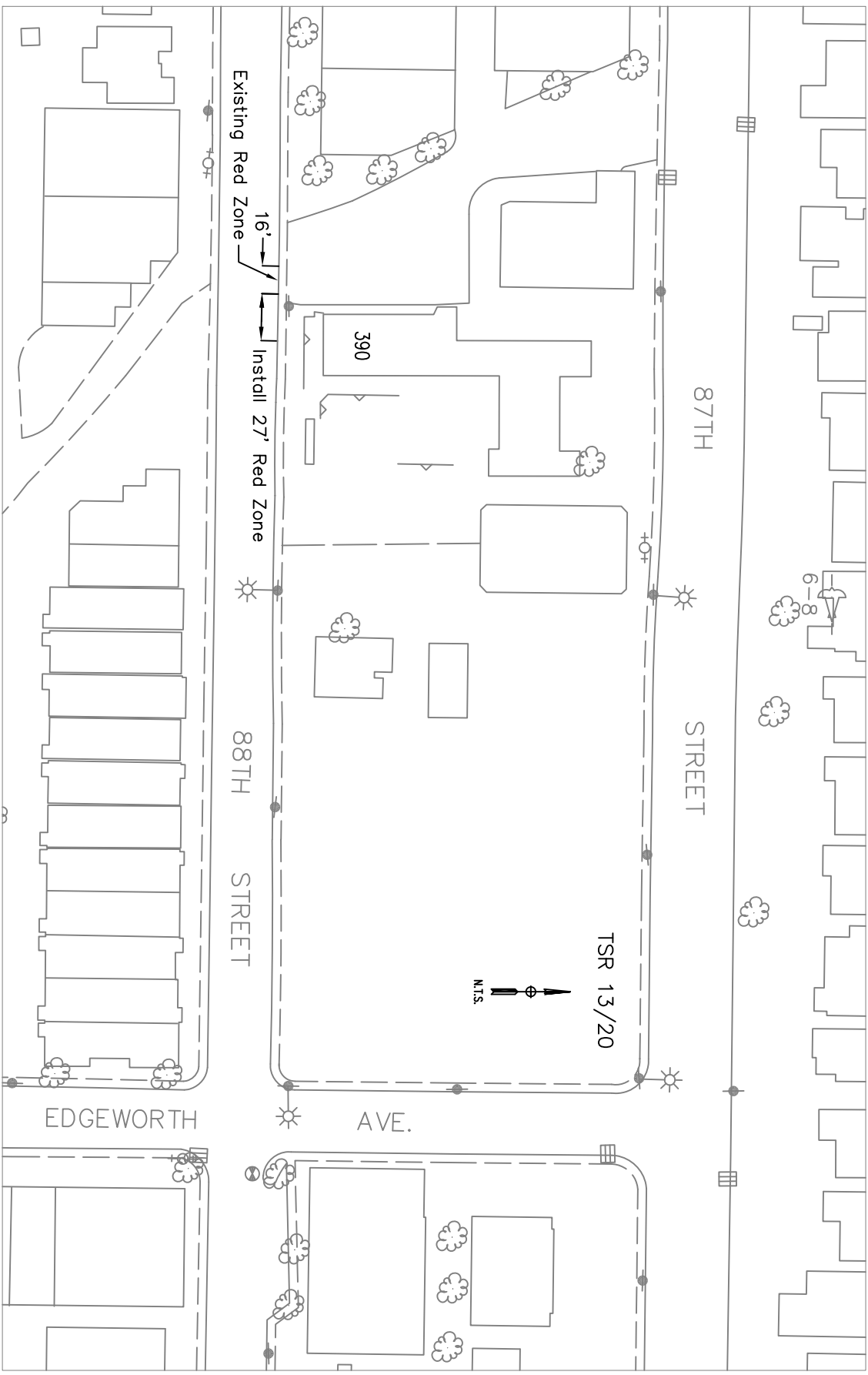
Eliminate parking meters.
Install One-Hour Limited
Parking Zone, 8AM - 6PM,
Mondays-Saturdays.

TSR 13/19

N

THE CITY OF DALY CITY
CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
TRAFFIC IMPROVEMENTS
SAN PEDRO ROAD

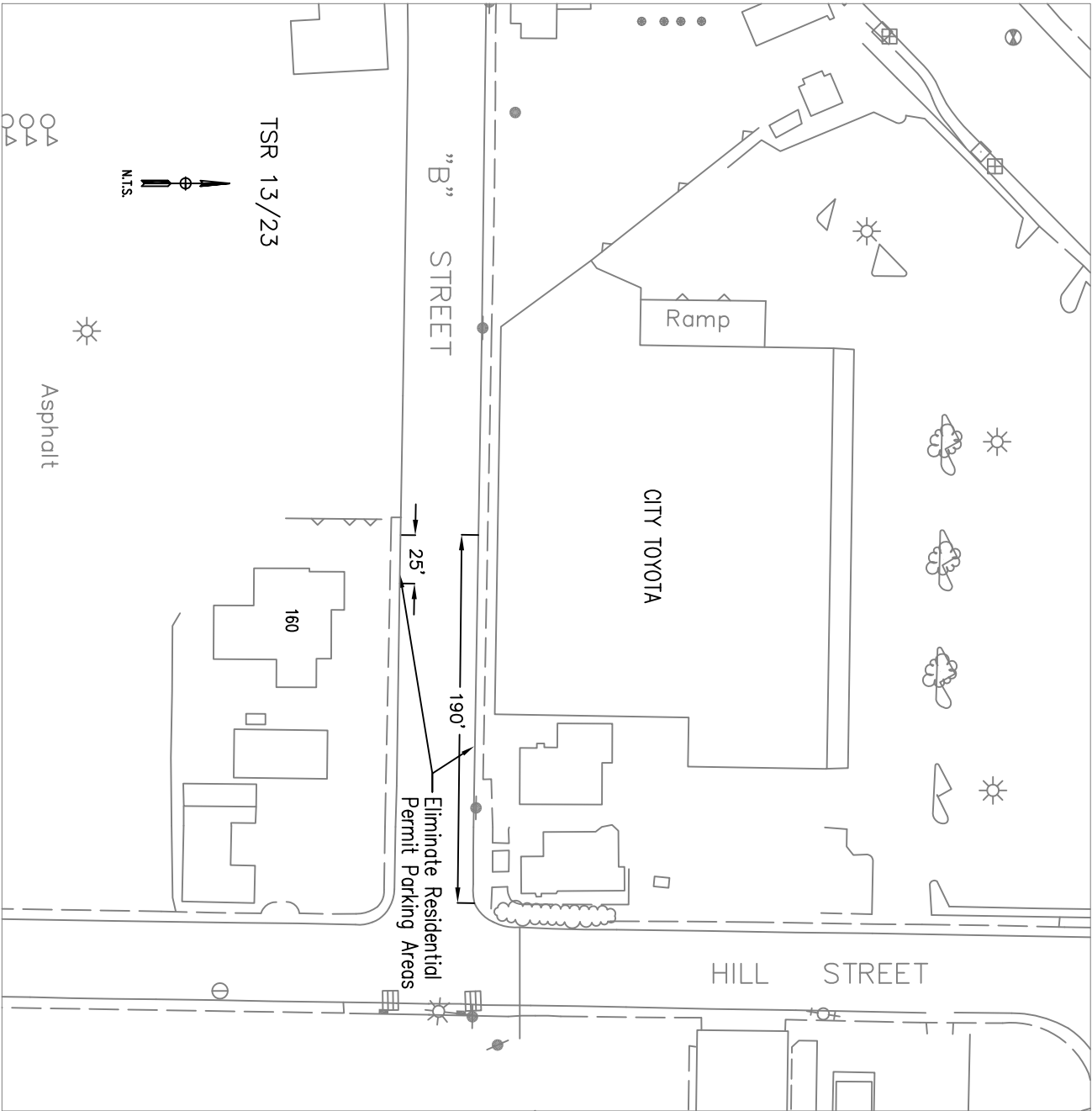
DATE	11/11	APPROVED	CITY ENGINEER
DESIGNED	JLF	SCALE	NTS
DRAWN	SC	SHEET NO.	1 OF 1
			TSR 13-19
			ISSUED FOR
			REV.



THE CITY OF DALY CITY
CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

TRAFFIC IMPROVEMENTS
88th STREET

DRAWN	SC	DATE	11/11	APPROVED	CITY ENGINEER
CHECKED	JLF	SCALE	N.T.S.		
DESIGNED	SC	SHEET NO.	1 OF 1	TSR 13-20	REV.



THE CITY OF DALY CITY			
CALIFORNIA			
DEPARTMENT OF PUBLIC WORKS			
TRAFFIC IMPROVEMENTS			
B STREET			
DATE	11/11	APPROVED	CITY ENGINEER
DESIGNED	JLF	SCALE	NTS
DRAWN	SC	SHEET NO.	1 OF 1
		TSR 13-23	INT.



City Council Agenda Report

Item # _____

Meeting Date: December 10, 2012

Subject: Authorization to Submit Grant Applications to the City/County Association of Governments (C/CAG).

Recommended Action

It is recommended that the City Council authorize staff to submit applications to the City/County Association Governments (C/CAG) of San Mateo County for Transportation for Livable Communities (TLC) and Bicycle and Pedestrian Improvement grant funding through the Metropolitan Transportation Commission (MTC) OneBayArea Grant (OBAG) Program.

Background

On October 15, 2012, the City/County Association Governments (C/CAG) of San Mateo County issued a call for projects under the OneBayArea Grant (OBAG) program. The call for projects included two project types eligible for funding for the fiscal year 2012/2013 - 2015/2016 cycle with approximately \$11,000,000 in funding available.

The Transportation for Livable Communities (TLC) Program is a transportation funding program that aims to improve the environment of transportation infrastructure to promote alternative transportation as well as create inviting public spaces. The program is intended to fund capital projects that support community-based transportation projects that bring new vibrancy into downtown areas, commercial cores, high-density neighborhoods and transit corridors, enhancing their amenities and ambiance while making them places where people want to live, work and visit. There is approximately \$4,500,000 available through the TLC Program.

The Bicycle and Pedestrian Improvement Program supports bicycle and pedestrian projects in San Mateo County. This program is designed to build upon and enhance the San Mateo County bicycle network and pedestrian environment to encourage the use of physically active transportation such as walking or bicycling. The goal of this program is to continue to build out bicycle and pedestrian improvements to better connect San Mateo County to local destinations and the multimodal transportation network. This program also aims to improve air quality by reducing peak hour vehicle trips and projects must not be exclusively recreational in and should be commute oriented as required for eligibility for federal Congestion Mitigation and Air Quality Improvement (CMAQ) program funds. There is approximately \$6,500,000 available through the Bicycle and Pedestrian Improvement Program.

Project applicants are limited to Local Public Agencies (LPAs) such as cities/towns in San Mateo County, the County of San Mateo, the San Mateo County Transit District (SamTrans), the Peninsula Corridor Joint Powers Board (JPB) or the San Mateo County Transportation Authority (SMCTA). Applications for OBAG (TLC or CMAQ) Grant funds must be submitted to C/CAG by December 14, 2012.

Discussion

Three potential projects have been identified as eligible to receive grant funding: a TLC project along John Daly Boulevard, and two Bicycle Pedestrian Improvement projects along Geneva Avenue and along segments of Westmoor Avenue, Eastmoor Avenue, San Pedro Road and East Market Street.

The proposed John Daly Boulevard project would install bike lanes, construct new pedestrian facilities and amenities and the transform roughly 1.5 acres of underutilized median area between Mission Street (eastern boundary) and DeLong Street (western boundary) and along Los Banos Avenue (northern boundary) and Knowles Avenue (southern boundary) into a network of bioswales with new trees and plantings, improving the access linkage connecting the Bay Area Rapid Transit (BART) station with the SamTrans bus hub at the Top of the Hill.

The proposed Bicycle and Pedestrian Improvement projects would consist of installing and extending the bicycle lanes and bicycle route improvements along Geneva Avenue from the City and County of San Francisco, at Santos Avenue (western boundary) to Bayshore Boulevard (eastern boundary). Pedestrian bulb-outs are also proposed and specific locations will be identified. The second proposed Bicycle and Pedestrian Improvement project would consist of installing bicycle lane and bicycle route improvements along Westmoor Avenue beginning at Baldwin Avenue and continuing along sections of Eastmoor Avenue and San Pedro Road to Mission Street.

Fiscal Impact

The minimum grant amount is set at \$250,000. The maximum amount that can be allocated per agency is \$1,000,000, for both the TLC Program and the Bicycle and Pedestrian Improvement Program combined. There is a minimum match of 11.47% required if funds are awarded to build a project. Public Works staff will attempt to identify 15% - 20% in available local matching funds (primarily gas tax or related funds) in order to make project applications score better. In the event that grant funds are awarded staff will return to the City Council with specific sources of local matching funds identified and ask for approval to allocate those funds to the projects at the time grant funds are officially accepted. The City will request grant funding to assist with the building of the John Daly Boulevard project and two Bicycle and Pedestrian Improvement projects. In the event that the John Daly Boulevard project is awarded grant funding, both Bicycle and Pedestrian Improvement projects will be postponed until another funding source is identified.

Summary/Conclusion

Staff recommends that the City Council authorize staff to submit applications to the City/County Association Governments (C/CAG) of San Mateo County for Transportation for Livable Communities (TLC) and Bicycle and Pedestrian Improvement grant funding through the Metropolitan Transportation Commission (MTC) OneBayArea Grant (OBAG) Program for the projects outlined above.

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

Respectfully submitted,



Jesse Myott
Management Analyst



John L. Fuller
Director of Public Works



City Council Meeting Agenda Report

Item # _____

Meeting Date: December 10, 2012

Subject: Adoption of Composite Summary Memorandum of Understanding between the City of Daly City and the Teamsters Local 856 Public Safety Dispatchers/Police Assistants Unit

Recommended Action

That the City Council adopt the Composite Summary of Memorandum of Understanding between the City of Daly City and the Teamsters Local 856 Public Safety Dispatchers/Police Assistants Unit.

Background

The City is continuing to experience a budget crisis of unprecedented proportions, which necessitates reducing expenditures across every City Department.

Discussion

The management "meet and confer" representatives designated by the City Council of the City of Daly City have met and conferred in good faith with the representatives of the Teamsters Local 856 Public Safety Dispatchers/ Police Assistants Unit and, as a result, have arrived at a Memorandum of Understanding concerning wages, hours and conditions of employment.

Fiscal Impact

As per the agreed upon Memorandum of Understanding, labor concessions will result in a 3.7% reduction of total compensation for this bargaining group.

Summary/Conclusion

Staff requests that the City Council adopt the Composite Summary Memorandum of Understanding between the City of Daly City and the Teamsters Local 856 Public Safety Dispatchers/Police Assistants Unit for the period of October 1, 2012 through September 30, 2013.

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

Respectfully submitted,

Shawna Maltbie
Director of Human Resources

CERTIFICATE OF THE CHIEF ELECTIONS OFFICER

In the Matter of the CANVASS OF VOTE CAST)
at the PRESIDENTIAL GENERAL ELECTION)
held on November 6, 2012)

I, MARK CHURCH, Chief Elections Officer of the County of San Mateo,
State of California hereby certify;

THAT an election was held within the boundaries of the CITY OF DALY
CITY on Tuesday, November 6, 2012 for the purpose of electing two (2)
Members to the City Council for four (4) year terms; one (1) City Clerk for a four
(4) year term; one (1) City Treasurer for a four (4) year term; and I caused to
have processed and recorded the votes from the canvass of all ballots cast at
said election within the boundaries of the CITY OF DALY CITY.

I HEREBY FURTHER CERTIFY that the record of votes cast at said
election are set forth in Exhibit "A" attached hereto and incorporated herein by
reference as though fully set forth at length.

IN WITNESS WHEREOF, I hereunto affix my hand and seal this 4th day of
December, 2012, and file this date with the City Clerk of Daly City.



MARK CHURCH
Chief Elections Officer &
Assessor-County Clerk-Recorder

Exhibit A

15	CITY OF DALY CITY MEMBERS, CITY COUNCIL; CITY OF DALY CITY CITY CLERK; CITY OF DALY CITY CITY TREASURER													
	Registration	Ballots Cast	Turnout (%)		CITY OF DALY CITY MEMBERS, Vote for 2 DAVID CANEPA	NICK OCCHIPINTI	SAL TORRES	CHARLES CHRISTIAN ELLIS	RICH BRUGGER		CITY OF DALY CITY CLERK REBECCA DELACRUZ AYSON	K. ANNETTE HIPONA		CITY OF DALY CITY CITY ANTHONY J. (TONY) ZIDICH
5601	997	692	69.4		377	120	304	107	99		248	333		521
5602	1,015	686	67.6		358	166	309	100	70		243	336		534
5603	878	686	78.1		356	122	336	54	107		193	346		490
5604	1,329	991	74.6		483	182	425	114	133		293	471		707
5605	1,174	827	70.4		427	175	393	108	122		346	385		678
5607	877	580	66.1		291	111	277	75	67		216	272		445
5608	791	547	69.2		299	98	289	65	77		199	284		445
5609	1,702	1,132	66.5		853	209	549	121	146		366	619		898
5611	1,654	1,145	69.2		844	198	509	133	157		377	598		862
5612	1,628	1,206	74.1		727	207	563	139	145		427	601		927
5615	1,557	1,116	71.7		729	170	554	102	141		437	538		868
5617	1,968	1,358	69.0		884	232	599	135	145		496	671		1050
5619	522	382	73.2		227	57	151	49	85		101	212		276
5620	1,341	1,007	75.1		627	125	404	90	156		244	538		717
5622	614	466	75.9		272	62	223	43	77		160	221		343
5623	1,349	1,020	75.6		619	180	507	91	131		281	555		765
5624	618	465	75.2		301	68	276	34	63		142	257		370
5625	922	640	69.4		378	101	277	76	91		230	315		511
5627	932	631	67.7		363	139	268	82	84		211	318		500
5628	581	370	63.7		219	63	141	36	26		140	160		272
5629	642	474	73.8		245	79	203	51	62		115	251		330
5631	1,356	967	71.3		520	194	483	116	173		275	542		741
5633	1,451	1,036	71.4		633	157	553	84	156		345	546		825
5635	2,043	1,484	72.6		914	242	707	174	199		594	674		1163
5636	731	499	68.3		299	75	244	54	66		172	248		381
5639	1,298	925	71.3		543	152	466	102	137		332	467		729
5641	1,881	1,423	75.7		796	244	689	152	221		455	741		1090
5644	745	528	70.9		295	105	213	72	71		203	233		392
5645	662	469	70.8		288	79	230	62	66		195	216		383
5646	777	608	78.2		379	88	259	70	78		185	317		480
5647	841	612	72.8		374	95	267	52	96		248	248		452
5648	1,564	1,117	71.4		674	162	586	104	144		409	517		886
5650	861	603	70.0		387	80	319	51	75		258	258		457
5651	1,758	1,292	73.5		757	191	634	159	156		488	567		997
Early Voting Totals	39,059	124	0.3		62	20	50	26	14		25	74		93
Absentee Totals	39,059	15,514	39.7		9284	2490	7836	1809	2520		5262	8032		12062
Election Day Totals	39,059	12,346	31.6		6992	2218	5321	1222	1288		4337	5749		9330
Grand Totals	39,059	27,984	71.6		16338	4728	13207	3057	3822		9624	13855		21485

Early Voting Totals 15	CITY OF DALY CITY MEMBERS, CITY COUNCIL; CITY OF DALY CITY CITY CLERK; CITY OF DALY CITY CITY TREASURER																
	Registration	Ballots Cast	Turnout (%)		CITY OF DALY CITY MEMBERS, Vote for 2 DAVID CANEPA	NICK OCCHIPINTI	SAL TORRES	CHARLES CHRISTIAN ELLIS	RICH BRUGGER		CITY OF DALY CITY CITY CLERK	REBECCA DELACRUZ AYSON	K. ANNETTE HIPONA		CITY OF DALY CITY CITY ANTHONY J. (TONY) ZIDICH		
14TH CONGRESSIONAL DISTRICT	39,059	124	0.3		62	20	50	26	14			25	74		93		
19TH ASSEMBLY DISTRICT	39,059	124	0.3		62	20	50	26	14			25	74		93		
5TH SUPERVISORIAL DISTRICT	39,059	124	0.3		62	20	50	26	14			25	74		93		
11TH SENATORIAL DISTRICT	39,059	124	0.3		62	20	50	26	14			25	74		93		
BOARD OF EQUALIZATION - DISTRICT	39,059	124	0.3		62	20	50	26	14			25	74		93		
BRISBANE SCHOOL DISTRICT	2,207	4	0.2		1	0	2	2	1			0	3		2		
CITY OF DALY CITY	39,059	124	0.3		62	20	50	26	14			25	74		93		
COUNTY OF SAN MATEO	39,059	124	0.3		62	20	50	26	14			25	74		93		
JEFFERSON ELEMENTARY SCHOOL	32,773	100	0.3		45	16	37	16	10			25	52		66		
JEFFERSON UNION HIGH SCHOOL	35,663	112	0.3		52	17	42	22	11			22	62		77		
SAN MATEO COUNTY HARBOR	39,059	124	0.3		62	20	50	26	14			25	74		93		
STATEWIDE DISTRICT	39,059	124	0.3		62	20	50	26	14			25	74		93		
Early Voting Totals	39,059	124	0.3		62	20	50	26	14			25	74		93		

Absentee Totals 15	CITY OF DALY CITY MEMBERS, CITY COUNCIL; CITY OF DALY CITY CITY CLERK; CITY OF DALY CITY CITY TREASURER												
	Registration	Ballots Cast	Turnout (%)		CITY OF DALY CITY MEMBERS, Vote for 2 DAVID CANEPA	NICK OCCHIPINTI	SAL TORRES	CHARLES CHRISTIAN ELLIS	RICH BRUGGER		CITY OF DALY CITY CLERK REBECCA DELACRUZ AYSON	K. ANNETTE HIPONA	CITY OF DALY CITY ANTHONY J. (TONY) ZIDICH
14TH CONGRESSIONAL DISTRICT	39,059	15,514	39.7		9284	2490	7836	1809	2520		5262	8032	12062
19TH ASSEMBLY DISTRICT	39,059	15,514	39.7		9284	2490	7836	1809	2520		5262	8032	12062
5TH SUPERVISORIAL DISTRICT	39,059	15,514	39.7		9284	2490	7836	1809	2520		5262	8032	12062
11TH SENATORIAL DISTRICT	39,059	15,514	39.7		9284	2490	7836	1809	2520		5262	8032	12062
BOARD OF EQUALIZATION - DISTRICT	39,059	15,514	39.7		9284	2490	7836	1809	2520		5262	8032	12062
BRISBANE SCHOOL DISTRICT	2,207	963	43.6		423	151	383	72	132		222	419	582
CITY OF DALY CITY	39,059	15,514	39.7		9284	2490	7836	1809	2520		5262	8032	12062
COUNTY OF SAN MATEO	39,059	15,514	39.7		9284	2490	7836	1809	2520		5262	8032	12062
JEFFERSON ELEMENTARY SCHOOL	32,773	12,954	39.6		6960	1876	5664	1365	1931		3901	6134	9062
JEFFERSON UNION HIGH SCHOOL	35,663	14,094	39.5		7794	2155	6575	1548	2162		4348	6932	10187
SAN MATEO COUNTY HARBOR	39,059	15,514	39.7		9284	2490	7836	1809	2520		5262	8032	12062
STATEWIDE DISTRICT	39,059	15,514	39.7		9284	2490	7836	1809	2520		5262	8032	12062
Absentee Totals	39,059	15,514	39.7		9284	2490	7836	1809	2520		5262	8032	12062

Grand Totals 15	CITY OF DALY CITY MEMBERS, CITY COUNCIL; CITY OF DALY CITY CITY CLERK; CITY OF DALY CITY CITY TREASURER												
	Registration	Ballots Cast	Turnout (%)		CITY OF DALY CITY MEMBERS, Vote for 2 DAVID CANEPA	NICK OCCHIPINTI	SAL TORRES	CHARLES CHRISTIAN ELLIS	RICH BRUGGER		CITY OF DALY CITY CITY CLERK REBECCA DELACRUZ AYSON	K. ANNETTE HIPONA	CITY OF DALY CITY CITY ANTHONY J. (TONY) ZIDICH
14TH CONGRESSIONAL DISTRICT	39,059	27,984	71.6		16338	4728	13207	3057	3822		9624	13855	21485
19TH ASSEMBLY DISTRICT	39,059	27,984	71.6		16338	4728	13207	3057	3822		9624	13855	21485
5TH SUPERVISORIAL DISTRICT	39,059	27,984	71.6		16338	4728	13207	3057	3822		9624	13855	21485
11TH SENATORIAL DISTRICT	39,059	27,984	71.6		16338	4728	13207	3057	3822		9624	13855	21485
BOARD OF EQUALIZATION - DISTRICT	39,059	27,984	71.6		16338	4728	13207	3057	3822		9624	13855	21485
BRISBANE SCHOOL DISTRICT	2,207	1,677	76.0		702	251	614	117	190		383	667	960
CITY OF DALY CITY	39,059	27,984	71.6		16338	4728	13207	3057	3822		9624	13855	21485
COUNTY OF SAN MATEO	39,059	27,984	71.6		16338	4728	13207	3057	3822		9624	13855	21485
JEFFERSON ELEMENTARY SCHOOL	32,773	23,417	71.5		12349	3580	9930	2298	2920		7175	10524	16221
JEFFERSON UNION HIGH SCHOOL	35,663	25,481	71.4		13786	4117	11157	2622	3279		8048	11960	18236
SAN MATEO COUNTY HARBOR	39,059	27,984	71.6		16338	4728	13207	3057	3822		9624	13855	21485
STATEWIDE DISTRICT	39,059	27,984	71.6		16338	4728	13207	3057	3822		9624	13855	21485
Early Voting Totals	39,059	124	0.3		62	20	50	26	14		25	74	93
Absentee Totals	39,059	15,514	39.7		9284	2490	7836	1809	2520		5262	8032	12062
Election Day Totals	39,059	12,346	31.6		6992	2218	5321	1222	1288		4337	5749	9330
Grand Totals	39,059	27,984	71.6		16338	4728	13207	3057	3822		9624	13855	21485



City Council Meeting Agenda Report

Item # _____

Meeting Date: December 10, 2012

Subject: SETTING TIME AND PLACE FOR A HEARING ON PROPOSED ZONE CHANGE ZC-5-12-5591, MINOR SUBDIVISION SUB-3-12-5282, DESIGN REVIEW DR-3-12-5283, AND CEQA-5-12-5592, WEST SIDE OF THIRD AVENUE (BETWEEN CASTLE STREET AND HABITAT WAY), APN'S (006-253-490 & 006-253-500)

Recommended Action

Set time and place for a Public Hearing to consider the proposed Zone Change ZC-5-12-5591, Minor Subdivision SUB-3-12-5282, Design Review DR-3-12-5283, and CEQA-5-12-5592 on January 14, 2013.

Background

The applicant, Henry Jiang, represented by Andy Tan, is requesting a zone change from I-D (Interim District) to R-1 (Single Family Residential District) for two contiguous lots that have a total area of 15,000 square feet (APNs 006-253-490 and 006-253-500), and a minor subdivision and design review approval to subdivide APN 006-253-500, a 10,000 square foot (.23 acres) lot, into four 2,500 square foot lots, in conjunction with the construction of one new single family residence on each resulting lot.

The I-D zoning designation was applied to the site when it was originally annexed into Daly City. The I-D District only allows for maintenance of existing uses, and in order to develop the lot for the proposed residential uses a zone change is required. The proposed change from I-D to R-1 will allow for the proposed subdivision and the construction of one single family residence on each of the resulting four lots. The remaining lot proposed for the zone change will remain vacant and is not a part of the subdivision or design review. The proposed R-1 zone is compatible with the zoning districts in the vicinity, which are R-1 and R-3 (Multi Family District).

Staff is recommending approval of the zone change, minor subdivision, design review and environmental assessment subject to the findings and conditions contained in this staff report.

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

Respectfully submitted,

Steve Engfer, Assistant Planner
Economic and Community Development

Brian Millar Director
Economic and Community Development



City Council Meeting Agenda Report

Item # _____

Meeting Date: December 10, 2012

Subject: Public Hearing on Community Development and Housing Needs

Recommended Actions

1. Conduct a public hearing to identify community development and housing priorities for the City's 2013-2018 HUD Consolidated Plan.
2. Identify funding categories with funding percentage ranges for the City's Community Development Block Grant Entitlement Grant from the U.S. Department of Housing and Urban Development for Fiscal Year 2013-14.
3. Authorize the solicitation of Request for Proposals for Community Development Block Grant funds, and
4. Identify funding categories with funding percentage ranges for the City's HOME funds from the U.S. Department of Housing and Urban Development for Fiscal Year 2013-14.

Background

Each year, the City of Daly City receives a federal grant of Community Development Block Grant (CDBG) and HOME funds from the Department of Housing and Urban Development (HUD). The CDBG funds are to be used to meet community development and housing needs, such as affordable housing, public services, and infrastructure improvements that primarily benefit low and moderate-income residents. Additional funds are anticipated from estimated unspent Fiscal Year (FY) 2012-13 funds at year-end and anticipated program income from housing rehabilitation loan payments. Together, these comprise available CDBG funds for Council allocation for FY 2013-14, which starts July 1, 2013. In addition to the CDBG funds, the City also receives HOME funds directly from HUD that may be used solely for housing activities.

In order to guide the allocation of these funds, the City is required to prepare a Consolidated Plan which evaluates community needs, sets priorities for the allocation of CDBG and HOME funds and identifies various community development and housing activities that will help the City realize its community development and housing goals. The City is currently preparing a new 5-year HUD Consolidated Plan that will cover the period beginning July 1, 2013 through June 30, 2018.

The City is also preparing a One-Year Action Plan that will specify CDBG and HOME funding levels to be allocated to various housing and community development activities for Fiscal Year 2013-14. This Public Hearing will begin the citizen participation and planning process required in the preparation of the City's HUD One-Year Action Plan for FY 2013-14, the first year of the new 5-year Consolidated Plan. As specified in the City's Citizen Participation Plan, this hearing on community development and housing needs provides citizens the opportunity to participate in planning, implementing and assessing the CDBG and HOME programs. It is the first of two Public

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Subject: Public Hearing on Community Development and Housing Needs

Meeting Date: December 10, 2012

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Hearings, preceding the second hearing in April 2013 when the City Council allocates the City's CDBG and HOME funds to specific projects and programs.

HUD requires that the City involve the public in an open process for the allocation of these funds. This process, in general, must parallel the rules that govern bidding for governmental contracts. That is, public notice must be given, uses for the funds defined by the City, and proposals for funds (the equivalent of “bids”) evaluated in terms of how well they respond to the criteria set forth by the City.

In preparation for the public hearing and Council consideration of community development priorities and funding levels, staff is in the process of surveying community service providers, businesses, stakeholders and City residents regarding community needs. When finalized, the results of the surveys will be considered as staff prepares a draft five-year plan and one-year funding recommendations.

Discussion

The Public Hearing is an opportunity for individuals, groups of individuals and organizations to express to the City Council their perspective on the community development and housing needs of the citizens of Daly City and the community as a whole. After considering how CDBG and HOME funds have been allocated in the past and community comment on local needs, the Council has the opportunity to provide guidance to staff and potential applicants on the uses of these funds for the coming year. This is not the Public Hearing where funds are allocated; this public hearing identifies the needs that exist in the community and provides guidance for the expenditure of the CDBG and HOME program funds. Without discussing the qualifications of a particular applicant or funding amounts, Council can give policy direction to staff and potential applicants on these programs.

CDBG

Staff recommends that Council do this by expressing, in general terms, the relative importance of each eligible category of activities (e.g., Economic Development or Public Services), upon which CDBG funds may be spent. With this policy guidance, staff is better able to work with potential applicants and with potential projects to meet the community development and housing needs identified by the Council as important.

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One way of setting priorities among these categories is by establishing a percentage of available funds to be directed to each category. As a guideline, such a percentage does not restrict Council action in actually allocating funds; it does communicate to the public and to staff which activities Council feels are most important. This, in turn, assists applicants in shaping realistic proposals that address community development and housing needs identified by the Council. As an extreme example, setting a percentage guideline of zero percent (0%) would inform the public that Council perceives very little need in a given category.

In actuality, setting a range of percentages for each category gives flexibility to respond to proposals during the allocation process. For example, a large and urgent capital improvement project may arise unexpectedly in any given year.

The community development and housing needs of the City and Council's past policy in addressing those needs is reflected in past allocations of CDBG funds. The following table outlines CDBG allocations in the past five (5) years.

<u>Funding Category</u>	<u>FY08-09</u>	<u>FY09-10</u>	<u>FY10-11</u>	<u>FY11-12</u>	<u>FY12-13</u>
Administration (includes Planning Studies)	16%	15%	16%	13%	13%
Public Services	12%	12%	12%	9%	10%
Capital Improvements	22%	22%	22%	21%	27%
Economic Development	20%	20%	19%	18%	10%
Housing	30%	31%	30%	39%	40%

The Administration category encompasses the general administration and planning activities for all CDBG activities. It includes the salaries and related fringe benefits for all CDBG staff, except those directly related to Housing Rehabilitation and Economic Development activities. Also included are associated costs for office expenses, advertising, audit, education and training, travel and postage.

The Public Services category includes those services that are contracted out by the City with private non-profit organizations in providing direct services to the residents of Daly City. Some examples of funded programs in the past are emergency food programs, services to the disabled, shared housing, child care services, fair housing services, and tutoring services for persons who are deficient in reading and writing skills.

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Subject: Public Hearing on Community Development and Housing Needs

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The Capital Improvements category has funded the construction of the Bayshore Community Center and such improvements as Mission Street Landscaping Improvements, Disability Modifications at Public Facilities and Sidewalk Wheelchair Ramps.

The Economic Development category has funded microenterprise technical assistance services, which seek to strengthen the City's economic climate by expanding the tax base and increasing job opportunities. Microenterprise assistance services include educational workshops, in-depth classroom instruction, one-on-one counseling as well as assistance with access to capital.

The Housing category funds the City's Residential Rehabilitation Program. It has also funded the development of Hillcrest Senior Housing, a 40-unit apartment complex for very low-income seniors, as well as site preparation costs associated with a 36-unit condominium project by Habitat for Humanity under development at 7555 Mission Street. In addition, the City has provided funding to three non-profit organizations, North Peninsula Neighborhood Services, Center for Independence of Individuals with Disabilities and Rebuilding Together, which offer housing rehabilitation services.

HOME

Eligible funding categories for HOME are Administration, New Housing Construction, Housing Rehabilitation, Homebuyer Assistance, and Tenant Based Rental Assistance. HOME regulations require that at least 15 percent of the HOME funds be allocated to a Community Housing Development Organization (CHDO) for housing development. Staff recommends using HUD's maximum of 10% for Administration, the required 15% for an eligible CHDO activity, and the remaining 75% be allocated to new housing construction.

Summary/Conclusion

Based on past experience, the following funding categories and percentage range of appropriations are recommended to Council for adoption for Fiscal Year 2013-2014 of the CDBG and HOME programs. As the lowest end of the ranges total less than 100% and the upper end totals more than 100%, actual allocations will occur between these low and high figures. By giving a range or percentages for each category, flexibility is preserved.

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Subject: Public Hearing on Community Development and Housing Needs

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<u>Funding Category</u>	<u>Recommended Range of Appropriation</u>
CDBG	
Administration	12-20% (20% is the maximum allowed by HUD)
Public Services	8-15% (15% is the maximum allowed by HUD)
Capital Improvements	15-50%
Economic Development	2-20%
Housing	20-60%
HOME	
Administration	10%
CHDO	15%
New Housing Construction	75%

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
Director, Economic & Community Development



City Council Meeting Agenda Report

Item # _____

Meeting Date: December 10, 2012

Subject: Consideration of a Proposed Ordinance Adding Chapter 8.66 to the Daly City Municipal Code Regarding Reusable Bags

Proposed Action

It is recommended that the City Council adopt an ordinance regarding reusable bags by adding Chapter 8.66 to the Daly City Municipal Code.

Background

The City Council's Solid Waste Committee has reviewed several draft ordinances that would effectively ban the use of plastic carry-out bags at retail businesses. In 2008, the committee agreed that plastic bags were an undeniable source of litter in the community, but decided against pursuing an outright ban due to the possibility of lawsuits from the American Chemistry Council and/or the Save the Plastic Bag Coalition. Several California municipalities that enacted ordinances banning single-use bags were sued or were threatened with lawsuits. The most notable case was the *Save the Bag Coalition v. City of Manhattan Beach, et al.* The case was filed to overturn the ban enacted in Manhattan Beach in July 2008. The City of Manhattan Beach ultimately prevailed in the California Supreme Court on July 14, 2011, when the court ruled in its favor. The City Council's Solid Waste Committee met again on December 15, 2011, and directed staff to schedule a study session with the full City Council to review a draft ordinance that would prohibit single-use plastic bags at all retail stores in Daly City.

The full City Council discussed the possibility of adopting a reusable bag ordinance at its Study Session on March 5, 2012. The Council directed staff to participate in a regional Environmental Impact Report (EIR) coordinated by the San Mateo County Health Services Division in order to determine if adopting an ordinance that banned the use of single-use, plastic carry-out bags would have a significant environmental impact.

Eighteen cities in San Mateo County (Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, and Woodside) participated in the EIR, along with six cities in Santa Clara County (Campbell, Cupertino, Los Altos, Los Gatos, Milpitas, and Mountain View). Together, these 24 cities and the County of San Mateo made up the Final Program EIR "Study Area" for a program-level environmental review studying the region-wide environmental impacts of a reusable bag ordinance. The County EIR was guided by the following objectives:

1. Reducing the amount of single-use plastic bags in trash loads in conformance with the trash load reduction requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit;
2. Reducing the environmental impacts related to single-use plastic carryout bags, such as impacts to biological resources, water quality and utilities;
3. Deterring the use of paper bags;
4. Promoting a shift toward the use of reusable bags; and
5. Avoiding litter and associated adverse impacts to storm water systems, aesthetics and the marine environment.

Subject: Adding Chapter 8.66 to the Daly City Municipal Code Regarding Reusable Bags
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Background (continued)

On October 23, 2012, the San Mateo County Board of Supervisors approved the EIR and adopted an ordinance banning single-use carryout bags from stores, while requiring stores that provide reusable bags to charge customers ten cents (10¢) per bag. The Board of Supervisors encouraged cities within the County to adopt similar ordinances.

Discussion

The County prepared a model ordinance for the participating cities to utilize when adopting within their respective jurisdictions. The proposed ordinance adding Chapter 8.66 to the Daly City Municipal Code is substantially identical to the County's model ordinance. The intent of the ordinance is to reduce the environmental impacts related to the use of single-use carryout bags and to promote a shift toward the use of reusable bags. The ordinance would regulate the distribution of paper and plastic single-use carryout bags by all retail establishments in the City of Daly City, including those selling clothing, food, and personal items directly to the customer. It would not apply to restaurants or non-profit charitable reuse organizations, as defined by the ordinance.

The ordinance would: (1) prohibit the free distribution of single-use carryout paper and plastic bags; and (2) require retail establishments to charge customers for recycled paper bags and reusable bags at the point of sale. The minimum charge would be ten cents (10¢) per paper bag until December 31, 2014. Effective January 1, 2015, the minimum charge would be twenty-five cents (25¢) per paper bag. Customers participating in the California Special Supplement Food Program for Women, Infants, and Children and the Supplemental Food Program may be furnished a recycled paper bag at no cost. A single-use plastic carryout bag is defined as a bag made from petroleum or bio-based plastic that is less than 2.25 mils thick (0.00225 inches). The ordinance would not prohibit the distribution of product bags, which are bags without handles provided to the customer to transport food from a department within a grocery store to the point of sale, to hold prescription medication dispensed from a pharmacy, or to segregate food or merchandise that could damage or contaminate other food or merchandise. Regulated retail establishments would be required to keep a complete and accurate record of the purchase and sale of any recycled paper or reusable bags for a minimum period of three years from the date of purchase and sale.

Consumers and retail stores will have several months to transition from single-use bags and comply with the ordinance. The County-wide effective date of the ordinance is April 22, 2013, Earth Day, allowing retailers ample time to locate and purchase reusable bags. The Environmental Health Services Division of San Mateo County will enforce the requirements of the ordinance within the City of Daly City. Environmental Health Specialists will respond to complaints and conduct random checks to ensure compliance with the ordinance.

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Environmental Impact Analysis

The Final Program EIR examined the potential environmental impacts associated with the adoption of the Proposed Ordinance in the Program EIR Study Area, consisting of the 24 cities listed in the preceding section and unincorporated San Mateo County. The Draft Program EIR was issued with a 45-day public review period, from June 22 to August 6, 2012. The Final Program EIR, which incorporates the Draft Program EIR by reference, as well as responses to comments received regarding the Draft Program EIR, was issued with a 10-day public review period, from August 31 to September 10, 2012. The draft document was made available at the Daly City Public Library, 40 Wembley Drive, Daly City, and online.

The Final Program EIR estimated the volume of current plastic bag usage within the Study Area at 552 million bags per year. With the Proposed Ordinance's regulations in effect, it is anticipated that 95 percent of that volume would be replaced by a combination of paper bags (165,879,409) and reusable bags (6,911,642), leaving 27 million plastic bags still used each year. The Final Program EIR identifies and analyzes the potential environmental impacts of such a shift in bag usage as follows:

Air Quality: (1) A beneficial impact associated with a reduction in emissions due to a reduction in the total number of plastic bags manufactured; and (2) A less than significant impact associated with an increase in emissions resulting from increased truck trips to deliver recycled paper and reusable carryout bags to local retailers.

Biological Resources: A beneficial impact associated with a reduction in the amount of single-use plastic bags entering the coastal and bay habitat as litter.

Greenhouse Gas (GHG) Emissions: A less than significant impact associated with increased GHG emissions due to an increase in the manufacturing of single-use paper bags.

Hydrology/Water Quality: (1) A beneficial impact associated with a reduction in the amount of litter and waste entering storm drains; and (2) A less than significant impact due to an increase in the use of chemicals associated with an increase in production of recyclable paper bags.

Utilities and Service Systems: (1) A less than significant impact due to increased water usage resulting from the washing of reusable bags; (2) A less than significant impact due to increased wastewater generation resulting from the washing of reusable bags; and (3) A less than significant impact due to an increase in solid waste generation resulting from increased usage of paper bags.

None of the impacts require mitigation because they are all either beneficial or less than significant. The County Planning Commission voted 4-0-0 to recommend the Board of Supervisors certify the Final Program EIR and adopt the Reusable Bag Ordinance. They also recommended that the Environmental Health Services Division furnish two reports for the Board and Planning

Subject: Adding Chapter 8.66 to the Daly City Municipal Code Regarding Reusable Bags
Meeting Date: December 10, 2012
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Discussion (continued)

Commission's review: the first to come 12 months after the ordinance's effective date analyzing the performance in meeting the program's objectives; the second to come 18 months after the effective date, recommending any modifications necessary to improve upon the performance in meeting the program's objectives.

For this regional effort, the County acted as the lead agency for the preparation and approval of the EIR. The 24 participating municipalities would be responsible agencies, as each individual municipality would have discretionary approval over the proposed ordinance within its respective jurisdiction. A responsible agency refers to a public agency other than the lead agency that has discretionary approval over a project. Daly City acted as a responsible agency during the County EIR process. Accordingly, the City can rely on the County's EIR and analysis of environmental impacts when considering adoption of its ordinance.

Fiscal Impact

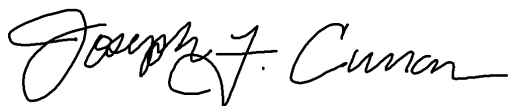
The County of San Mateo will enforce the ordinance. Consumers will incur a ten cent (10¢) per bag charge if they elect to use store provided reusable bags. It is unlikely that adopting the ordinance would have any fiscal impact on the City of Daly City.

Summary/Conclusion

The City Council has indicated an interest in adopting a reusable bag ordinance since 2008. The threat of lawsuits from the American Chemistry Council and the Save the Plastic Bag Coalition delayed the process until the County's EIR was completed and adopted. If the City Council adopts the ordinance, it would go into effect April 22, 2013.

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

Respectfully submitted,



Joseph F. Curran
Assistant to the City Manager



Patricia E. Martel
City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY
ADDING CHAPTER 8.68 TO TITLE 8 OF THE DALY CITY MUNICIPAL CODE
RE: REUSABLE BAGS

The City Council of the City of Daly City, County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1: Findings. The City Council of the City of Daly City hereby finds and
declares as follows:

WHEREAS, single-use carryout bags constitute a high percentage of litter, which is
unsightly, costly to clean up, and causes serious negative environmental impacts; and

WHEREAS, the City has a substantial interest in protecting its residents and the
environment from negative impacts from plastic carryout bags; and

WHEREAS, on October 23, 2012 the San Mateo County Board of Supervisors
approved an Environmental Impact Report (“EIR”) and adopted an ordinance banning single-
use carryout bags from stores, while requiring stores that provide reusable bags to charge
customers ten cents (\$.10) per bag; and

WHEREAS, County’s ordinance encouraged cities within and neighboring the County to
adopt similar ordinances and the County’s EIR specifically analyzed the possibility of 24 cities
(18 cities within San Mateo County and 6 cities in Santa Clara County) adopting the County’s
ordinance within their own jurisdictions; and

WHEREAS, the City intends this Ordinance to fall within the scope of the County’s EIR
and has therefore modeled this Ordinance on the County’s ordinance.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF THE CITY OF
DALY CITY DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 2: Chapter 8.68 of Title 8 of the Municipal Code is hereafter added to read as
follows:

REUSABLE BAGS

8.68.010 Findings and Purpose
8.68.020 Definitions
8.68.030 Implementation Date
8.68.040 Single-use Carry-out Bag
8.68.050 Recordkeeping and Inspection
8.68.060 Administrative Fine
8.68.070 Enforcement

8.68.010 Findings and Purpose

The City Council finds and determines that:

- (a) The use of single-use carryout bags by consumers at retail establishments is detrimental to the environment, public health and welfare.
- (b) The manufacture and distribution of single-use carryout bags requires utilization of natural resources and results in the generation of greenhouse gas emissions.
- (c) Single-use carryout bags contribute to environmental problems, including litter in storm drains, creeks, the bay and the ocean.
- (d) Single-use carryout bags provided by retail establishments impose unseen costs on consumers, local governments, the state and taxpayers and constitute a public nuisance.

This City Council does, accordingly, find and declare that it should restrict the single use carry-out bags.

8.68.020 Definitions

- A. "Customer" means any person obtaining goods from a retail establishment.
- B. "Garment Bag" means a travel bag made of pliable, durable material with or without a handle, designed to hang straight or fold double and used to carry suits, dresses, coats, or the like without crushing or wrinkling the same.
- C. "Nonprofit Charitable Reuser" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent of its revenues from the handling and sale of those donated goods or materials.
- D. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- E. "Prepared food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. "Prepared food" does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.
- F. "Public eating establishment" means a restaurant, take-out food establishment, or any other business that receives ninety percent or more of its revenue from the sale of prepared food to be eaten on or off its premises.
- G. "Recycled paper bag" means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent post-consumer recycled content; is one hundred percent recyclable; and has printed in a highly visible manner on the outside of the bag the words "Reusable" and "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.
- H. "Retail establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the City of Daly City. "Retail establishment" does not include public eating establishments or nonprofit charitable reusers.
- I. "Reusable bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse. A garment bag may meet the above criteria regardless of whether it has handles or not.
- J. "Single-use carry-out bag" means a bag other than a reusable bag provided at the check stand, cash register, point of sale or other point of departure, including departments within

a store, for the purpose of transporting food or merchandise out of the establishment. "Single-use carry-out bags" do not include bags without handles provided to the customer: (1) to transport prepared food, produce, bulk food or meat from a department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag.

8.66.030 Implementation Date

This Chapter shall be implemented on or any time after April 22, 2013.

8.68.040 Single-use Carry-out Bag

- A. No retail establishment shall provide a single-use carry-out bag to a customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this section.
- B. On or before December 31, 2014, a retail establishment may only make recycled paper bags or reusable bags available to customers if the retailer charges a minimum of ten cents.
- C. On or after January 1, 2015 a retail establishment may only make recycled paper bags or reusable bags available to customers if the retailer charges a minimum of twenty-five cents.
- D. Notwithstanding this section, no retail establishment may make available for sale a recycled paper bag or a reusable bag unless the amount of the sale of such bag is separately itemized on the sale receipt.
- E. A retail establishment may provide one or more recycled paper bags at no cost to any of the following individuals: a customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code; and a customer participating in Calfresh pursuant to Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the California Welfare and Institutions Code.

8.68.050 Recordkeeping and Inspection

Every retail establishment shall keep complete and accurate record or documents of the purchase and sale of any recycled paper bag or reusable bag by the retail establishment, for a minimum period of three years from the date of purchase and sale, which record shall be available for inspection at no cost to the County during regular business hours by any County employee authorized to enforce this part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information including incomplete records or documents to the County shall be a violation of this Chapter.

8.68.060 Administrative Fine

- (a) Grounds for Fine. A fine may be imposed upon findings made by the Director of the Environmental Health Division of the County of San Mateo, or his or her designee, that any retail establishment has provided a single-use carry-out bag to a customer in violation of this Chapter.

- (b) Amount of Fine. Upon findings made under subsection (a), the retail establishment shall be subject to an administrative fine as follows:
- (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;
 - (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation;
 - (3) A fine not exceeding five hundred dollars (\$500) for the third and subsequent violations;
 - (4) Each day that a retail establishment has provided single-use carry-out bags to a customer constitutes a separate violation.
- (c) Fine Procedures. Notice of the fine shall be served on the retail establishment. The notice shall contain an advisement of the right to request a hearing before the Director of the Environmental Health Division or his or her designee contesting the imposition of the fine. The grounds for the contest shall be that the retail establishment did not provide a single-use carry-out bag to any customer. Said hearing must be requested within ten days of the date appearing on the notice of the fine. The decision of the Director of the Environmental Health Division shall be based upon a finding that the above listed ground for a contest has been met and shall be a final administrative order, with no administrative right of appeal.
- (d) Failure to Pay Fine. If said fine is not paid within 30 days from the date appearing on the notice of the fine or of the notice of determination of the Director of the Environmental Health Division or his or her designee after the hearing, the fine shall be referred to a collection agency.

8.68.070 Enforcement

The City Council of Daly City hereby authorizes the Environmental Health Division of the County of San Mateo to enforce this Chapter within the City of Daly City, including, without limitation, the authority to hold hearings and issue administrative fines within the affected incorporated area of the City of Daly City.

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: CEQA Review.

On October 23, 2012, the County of San Mateo adopted a Program Environmental Impact Report ("EIR") that analyzed the impacts of this reusable bag ordinance if adopted in cities through the County of San Mateo County as well as neighboring jurisdictions. The EIR was adopted pursuant to the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA") and the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et seq.* It is incorporated by reference herein.

Pursuant to Section 15096 of the CEQA Guidelines, the City of Daly City acts as a responsible agency for adoption of this ordinance within the City of Daly City. Upon independent review of the EIR and all the evidence before it, the City Council makes the following findings:

- 1) The final Program Environmental Impact Report ("Final Program EIR") is complete, correct, adequate, and prepared in accordance with CEQA, 14 California Code of Regulation section 15000 *et seq* ("CEQA Guidelines), and the public comment period; and
- 2) On the basis of the Initial Study, Notice of Preparation, Final Program EIR, and public comment received by both the County of San Mateo and the City of Daly City, there is no substantial evidence that the project as proposed will have a significant effect on the environment; and
- 3) Adoption of this ordinance and analysis of the EIR reflects the independent judgment of the City Council of the City of Daly City; and
- 4) None of the conditions listed in CEQA Guidelines section 15162(a) are applicable to the adoption of this Ordinance, and adoption of this Ordinance is an activity that is part of the program examined by the County's Final Program EIR and is within the scope of the project described in the County's Final Program EIR.
- 5) A Notice of Determination shall be filed pursuant to CEQA Guidelines sections 15094 and 15096.

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 _____ day of _____, 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

RESOLUTION NO. 072208**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

* * * * *

**RESOLUTION CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT
REPORT (SCH 2012042013) AND ADOPTING ASSOCIATED CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS OF FACT FOR THE COUNTY
OF SAN MATEO REUSABLE BAG ORDINANCE**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* ("CEQA") and the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et seq.*, the San Mateo County Planning and Building Department has prepared a Program Environmental Impact Report (Program EIR) which analyzes the environmental effects of a Reusable Bag Ordinance in the Program EIR Study Area (the "Project"), which includes the unincorporated area of San Mateo County; and

WHEREAS, on October 23, 2012, the Board of Supervisors, as Lead Agency, reviewed the Final Program EIR; and

WHEREAS, on that date, the Board of Supervisors certified, pursuant to Guidelines Section 15090, that the Final Program EIR was prepared in full compliance with State and County CEQA Guidelines.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as

follows:

1. This Board of Supervisors approves and adopts the entirety of the CEQA Findings of Fact of the County of San Mateo Board of Supervisors for the Reusable Bag Ordinance, which are attached hereto as Exhibit A and incorporated herein by reference.
2. Consistent with Section 21081.6(d) of the California Public Resources Code, and as set forth in Exhibit A to this Resolution, the documents which constitute the record of proceedings for approving the Project are located in the County's Planning and Building Department, whose offices are located at 455 County Center, Second Floor, Redwood City, CA 94063.
3. On the basis of the Initial Study, Notice of Preparation, Final Program Environmental Impact Report, and public comment, there is no substantial evidence that the Project as proposed will have a significant effect on the environment.
4. Consistent with Section 21081.6 of the California Public Resources Code, and as set forth in Exhibit A to this Resolution, the Board of Supervisors does not need to adopt a Mitigation Monitoring Program, because the Project would not result in any significant effects on the environment.

5. The Clerk of this Board shall certify the Board's adoption of this Resolution, and shall cause to have prepared and filed with the San Mateo County Clerk a Notice of Determination regarding this Board's action, as set forth in Section 21152 of the California Public Resources Code.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of San Mateo hereby certifies this Final Program Environmental Impact Report.

* * * * *

Exhibit A

**CEQA FINDINGS OF FACT
OF THE COUNTY OF SAN MATEO
BOARD OF SUPERVISORS**

**FOR THE
REUSABLE BAG ORDINANCES**

October 23, 2012

1. OVERVIEW AND INTRODUCTION

These findings are made with respect to the "Project Approvals" (as defined below) for the Reusable Bag Ordinances (the "Project") to be adopted by the County of San Mateo (the "County") and various municipalities in the County and in Santa Clara County and state the findings of the Board of Supervisors (the "Board") of the County relating to the potential environmental effects of the Project.

The following findings are required by the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21081, 21081.5 and 21081.6, and Title 14, California Code of Regulations (the "CEQA Guidelines") Sections 15091 through 15093, for the Project.

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve or carry out a project where an Environmental Impact Report ("EIR") has been certified, which identifies one or more significant impacts on the environment that would occur if the Project is approved or carried out, unless the public agency makes one or more findings for each of those significant impacts, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- a. Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant impact on the environment.
- b. Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

For those significant impacts that cannot be mitigated to below a level of significance, the public agency is required to find that the specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant impacts on the environment. As discussed in detail below, the Project would not result in any significant unavoidable effects; all potential impacts identified by Draft Program EIR and Final Program EIR are either beneficial or less than significant such that no mitigation measures are required.

The Project EIR determines that no significant impacts on the environment would occur if the Project is approved or carried out and only identifies impacts that would be considered less than significant without need for mitigation and impacts that would be considered beneficial to the environment. Findings for each of the

impacts considered less than significant or beneficial, as accompanied by a brief explanation of the rationale of each finding, are provided below.

2. PROJECT DESCRIPTION

The proposed Reusable Bag Ordinances ("Proposed Ordinances") would regulate the use of paper and plastic single-use carryout bags within the participating municipalities. Participating municipalities include the County of San Mateo and 24 cities in San Mateo and Santa Clara Counties:

Participating Municipalities, in Addition to the County of San Mateo, in the Program EIR		
San Mateo County		Santa Clara County
• Belmont	• Millbrae	• Milpitas
• Brisbane	• Pacifica	• Cupertino
• Burlingame	• Portola Valley	• Los Gatos
• Colma	• Redwood City	• Los Altos
• Daly City	• San Bruno	• Campbell
• East Palo Alto	• San Carlos	• Mountain View
• Foster City	• San Mateo	
• Half Moon Bay	• South San Francisco	
• Menlo Park	• Woodside	

For the purposes of the Program EIR, the geographical limits of unincorporated San Mateo County and all of the participating municipalities listed above shall be known as the "Study Area." The Program EIR assumes the adoption of the Proposed Ordinance by the County and adoption of ordinances that are identical or materially similar to the County's Ordinance by each municipality in the Study Area, where the Proposed Ordinances would apply to all retail establishments located within the limits of the Study Area, including those selling clothing, food, and personal items directly to the customer. The Proposed Ordinances would not apply to restaurants or non-profit charitable reuse organizations. The Proposed Ordinances would (1) prohibit the free distribution of single-use carryout paper and plastic bags and (2) require retail establishments to charge customers for recycled paper bags and reusable bags at the point of sale. The minimum charge would be ten cents (\$0.10) per recycled paper bag until December 31, 2014, and twenty-five cents (\$0.25) per paper bag on or after January 1, 2015.

For the County, the Project Sponsor is the Environmental Health Services Division of the County of San Mateo Health System, where Dean D. Peterson, Director, is the project applicant.

3. PROJECT APPROVALS

The Project Approvals constitute the "Project" for purposes of CEQA and CEQA Guidelines Section 15378 and these determinations of the Board.

For unincorporated San Mateo County, the Proposed Ordinance would require an amendment to the San Mateo County Ordinance Code with discretionary approval by the San Mateo County Board of Supervisors. The following approvals would be required:

- Certification of the Final Program EIR (Board of Supervisors)
- Adoption of an Ordinance amending the Ordinance Code (Board of Supervisors)

Subsequent to adoption of the Ordinance, the County would file a Notice of Determination (NOD), as set forth in Section 21152 of the California Public Resources Code, with the San Mateo County Clerk.

For each of the 24 participating agencies, the Proposed Ordinances would require an amendment to the city's municipal code with discretionary approval by the municipality's city council. The following approvals would be required for each municipality:

- Consider the Final Program EIR (City Council)
- Adoption of an Ordinance amending the Ordinance Code (City Council)

Subsequent to adoption of the Ordinance, each municipality would file a Notice of Determination (NOD) similar to the NOD to be filed by the County as lead agency after its adoption of the Ordinance.

4. PROJECT OBJECTIVES

The County of San Mateo's and the participating cities' objectives for the Proposed Ordinances include:

- Reducing the amount of single-use plastic bags in trash loads (e.g., landfills), in conformance with the trash load reduction requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit.
- Reducing the environmental impacts related to single-use plastic carryout bags, such as impacts to biological resources (including marine environments), water quality and utilities (e.g., solid waste).
- Minimizing the use of paper bags by customers in the participating jurisdictions.

- Promoting a shift toward the use of reusable carryout bags by retail customers in the participating jurisdictions.
- Avoiding litter and the associated adverse impacts to stormwater systems, aesthetics and the marine environment (San Francisco Bay and the Pacific Ocean).

5. RECORD OF PROCEEDINGS

For purposes of CEQA and these findings, the Record of Proceedings for the Project shall include, at a minimum, the following documents:

- The Notice of Preparation ("NOP") and all other public notices issued by the County in conjunction with the Project;
- The Single Use Bag Ban Ordinance Draft Program EIR (June 2012) and Reusable Bag Ordinance (formerly Single Use Bag Ban Ordinance) Final Program EIR (August 2012) and all documents cited or referred to therein;
- All comments submitted by agencies or members of the public during the 45-day public comment period for the Draft Program EIR;
- All comments and correspondence submitted to the County with respect to the Project, in addition to timely comments on the Draft Program EIR;
- All findings and resolutions adopted by County decision makers in connection with the Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, staff reports, maps, exhibits, illustrations, diagrams or other planning materials relating to the Project prepared by the County or by consultants to the County, the applicant, or responsible or trustee agencies and submitted to the County, with respect to the County's compliance with the requirements of CEQA and with respect to the County's actions on the Project;
- All documents submitted to the County by other public agencies or members of the public in connection with the Project, up through the close of the public hearing on October 23, 2012;
- Minutes, as available, of all public meetings and public hearings held by the County in connection with the Project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;

- Matters of common knowledge to the County, including, but not limited to, those cited above; and
- Any other materials required to be in the Record of Proceedings by Public Resources Code Section 21167.6, subdivision (e).

The custodian of the documents comprising the Record of Proceedings is the County's Planning and Building Department, whose office is located at 455 County Center, Second Floor, Redwood City, CA 94063.

The Board has relied on all of the documents listed above in reaching its decision on the Project.

6. PROCEDURAL HISTORY

The County released an NOP of an EIR for the Project on April 6, 2012.

Rincon Consultants, Inc., prepared a Draft Program EIR entitled "Single Use Bag Ban Ordinance Draft Program EIR" under the direction of the County Planning and Building Department. The Draft Program EIR consists of the Draft Program EIR and Appendices, consisting of Appendix A through F. The Draft Program EIR is dated June 2012.

A Notice of Completion and copies of the Draft Program EIR were delivered to the State Clearinghouse (SCH No. 2012042013) on June 22, 2012. The Draft Program EIR was circulated for a duly noticed 45-day public review period that began on June 22, 2012 and ended on August 6, 2012.

A Notice of Availability (NOA) of the Draft Program EIR was posted by the County Clerk on June 22, 2012, and published in the *San Mateo County Times* and *San Jose Mercury News* (both newspapers of general circulation serving the area in which the Project is located). The NOA of the Draft Program EIR was also sent by mail and/or electronic mail to interested parties (those who had provided comments on the NOP) and participating agencies. An electronic link to the Draft Program EIR in ".pdf" format was posted on the County's website and copies of the Draft Program EIR were made available for review at the County of San Mateo Planning and Building Department and at the following libraries in the Study Area:

Serramonte Main Library
40 Wembley Drive
Daly City, CA 94015

San Mateo Main Library
55 West Third Avenue
San Mateo, CA 94402

Millbrae Library
1 Library Avenue
Millbrae, CA 94030

Redwood City Downtown Library
1044 Middlefield Road
Redwood City, CA 94063

Half Moon Bay Library
620 Correas Street
Half Moon Bay, CA 94019

Los Gatos Public Library
Town Civic Center
100 Villa Avenue
Los Gatos, CA 95030

Mountain View Library
585 Franklin Street
Mountain View, CA 94041

Milpitas Library
160 North Main Street
Milpitas, CA 95035

The County's Planning Commission held an informational public hearing on July 11, 2012, to receive comments on the Draft Program EIR.

The County of San Mateo Planning and Building Department prepared a Final Program EIR entitled "Reusable Bag Ordinance (formerly Single Use Bag Ban Ordinance) Final Program EIR." Pursuant to Section 15132 of the California Environmental Quality Act (CEQA) Guidelines, this Final Program EIR consists of (a) revisions to the Draft Program EIR, (b) a list of persons and organizations that commented on the Draft Program EIR, (c) comments received on the Draft EIR, (d) the County's responses to significant environmental points raised in the review and consultation process, and (e) any other information added by the County. The Final Program EIR is dated August 2012.

The Final Program EIR was released and distributed to public agencies and other commenters on the Draft Program EIR and for public review, on August 31, 2012, more than 10 days in advance of the scheduled date of consideration of the document for certification by the County Board of Supervisors. Although not required by CEQA, a notice was sent by electronic mail to interested parties (those who had provided comments on the Draft EIR) and participating agencies. Copies of the Final Program EIR were made available for review at the County of San Mateo Planning and Building Department and at libraries listed above, and an electronic link to the Final Program EIR in ".pdf" format was posted on the County's website.

Copies of the Draft Program EIR and Final Program EIR, including appendices, studies, documents and reports referenced EIRs are available for public review at the Planning and Building Department, 455 County Center, Second Floor, Redwood City, CA 94063. Copies of the Draft Program EIR and Final Program EIR can also be viewed online at the following website:
<http://www.co.sanmateo.ca.us/portal/site/planning>.

The County Board of Supervisors held a public hearing on October 23, 2012 to consider the Draft Program EIR and Final Program EIR. At the conclusion of the Board of Supervisors public hearing of October 23, 2012, the Board of Supervisors certified the Final Program EIR (which incorporates the Draft Program EIR, as corrected).

7. FINDINGS OF FACT

The Program EIR assumes the adoption of the Proposed Ordinance by the County and adoption of ordinances that are identical or materially similar to the County's Ordinance by each municipality in the Study Area. The following references to "Proposed Ordinance" refer to the adoption of an individual Ordinance in each participating agency of the Final Program EIR:

A. IMPACTS DECLARED TO BE BENEFICIAL (NO MITIGATION REQUIRED)

Air Quality Impacts:

- Impact AQ-1: With a shift toward reusable bags, the Proposed Ordinance is expected to substantially reduce the number of single-use carryout bags, thereby reducing the total number of bags manufactured and the overall air pollutant emissions associated with bag manufacture, transportation and use. Therefore, air quality impacts related to alteration of processing activities would be Class IV, beneficial, effect.

Biological Resource Impacts:

- Impact BIO-1: Although the Proposed Ordinance would incrementally increase the number of recycled paper and reusable bags within the Study Area, the reduction in the amount of single-use plastic bags would be expected to reduce the overall amount of litter entering the coastal and bay habitat, thus reducing litter-related impacts to sensitive wildlife species and sensitive habitats. This is a Class IV, beneficial, effect.

Hydrology and Water Quality Impacts:

- Impact HWQ-1: The Proposed Ordinance would incrementally increase the number of recycled paper and reusable bags used in the Study Area, but the reduction in the overall number of single-use plastic bags used in the Study Area would reduce the amount of litter and waste entering storm drains. This would improve local surface water quality, a Class IV, beneficial, effect.

B. IMPACTS DECLARED TO BE LESS THAN SIGNIFICANT (NO MITIGATION REQUIRED)

The Board finds that the environmental impacts identified in the Final Program EIR as being "less than significant" or as having "no impact" have been described and analyzed accurately and are less than significant or will have no impact for the reasons described in the Final Program EIR.

Reference should be made to the Draft Program EIR and Final Program EIR for a more complete description of the findings regarding these impacts.

Specifically, the Board makes the following findings as to the following impacts:

Air Quality Impacts:

- Impact AQ-2: With an expected increase in the use of recyclable paper bags, the Proposed Ordinance would generate air pollutant emissions associated with an incremental increase in truck trips to deliver recycled paper and reusable carryout bags to local retailers. However, emissions would not exceed Bay Area Air Quality Management District (BAAQMD) operational significance thresholds. Therefore, operational air quality impacts would be Class III, less than significant.

Impacts Related to Greenhouse Gas Emissions:

- Impact GHG-1: The Proposed Ordinance would increase the number of recyclable paper bags used in the Study Area. Implementation of the Proposed Ordinance would incrementally increase GHG emissions over existing levels. However, emissions would not exceed thresholds of significance. Therefore, impacts would be Class III, less than significant.
- Impact GHG-2: The Proposed Ordinance would not conflict with any agency's applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. Impacts would be Class III, less than significant.

Hydrology and Water Quality Impacts:

- Impact HWQ-2: A shift toward reusable bags and potential increase in the use of recyclable paper bags could potentially increase the use of chemicals associated with their production, which could degrade water quality in some instances and locations. However, bag manufacturers would be required to adhere to existing regulations, including NPDES Permit requirements, AB 258, and the California Health and Safety Code. Therefore, impacts to water quality from increasing bag processing activities would be Class III, less than significant.

Impacts to Utilities and Service Systems:

- Impact U-1: The increase of reusable bags within the Study Area as a result of the Proposed Ordinance would incrementally increase, by a negligible amount, water demand due to washing of reusable bags. However, sufficient water supplies are available to meet the negligible increase in demand created by reusable bags. Therefore, water supply impacts would be Class III, less than significant.
- Impact U-2: Water use associated with washing reusable bags would increase negligibly in the Study Area, resulting in an increase in wastewater generation. However, projected wastewater flows would remain within the capacity of the wastewater collection and treatment system of the Study Area, and would not exceed applicable wastewater treatment requirements of the RWQCB. Impacts would be Class III, less than significant.
- Impact U-3: The Proposed Ordinance would alter the solid waste generation associated with increased paper bag use in the Study Area. However, projected future solid waste generation would remain within the capacity of regional landfills. Impacts would therefore be Class III, less than significant.

8. ALTERNATIVES

The Program EIR assumes the adoption of the Proposed Ordinance by the County and adoption of ordinances that are identical or materially similar to the County's Ordinance by each municipality in the Study Area. The following references to "Proposed Ordinance" refer to the adoption of an individual Ordinance in each participating agency of the Final Program EIR:

As noted above, the Project would not result in any significant unavoidable effects. All potential impacts identified by Draft Program EIR and Final Program EIR are either beneficial or less than significant such that no mitigation measures are required. In order to select and analyze alternatives that would avoid or substantially lessen any of the Project's identified less than significant adverse environmental effects, the following environmental topics for which less than significant effects were identified in Final Program EIR were considered:

- Air Quality: Pollutant emissions from paper bag manufacture and delivery.
- Greenhouse Gas Emissions: Emissions from paper bag manufacture, delivery, and degradation.
- Hydrology and Water Quality: Litter in storm drains and waterways associated with plastic and paper bags.

- Utilities and Service Systems: Water use from the manufacture of plastic and paper bags and cleaning of reusable bags, as well as wastewater generation from the cleaning of reusable bags. Solid waste from the disposal of plastic, paper and reusable bags.

The following four alternatives are evaluated in the Final Program EIR:

- Alternative 1: No Project

The no project alternative assumes that the Reusable Bag Ordinance is not adopted or implemented. Single-use plastic and paper carryout bags would continue to be available free-of-charge to customers at most retail stores throughout the Study Area. In addition, reusable carryout bags would continue to be available for purchase by retailers. Thus, it is assumed that the use of carryout bags at Study Area retail stores would not materially change compared to current conditions.

- Alternative 2: Ban on Single-Use Plastic Bags at all Retail Establishments

Similar to the proposed Reusable Bag Ordinance, this alternative would prohibit Study Area retailers from providing single-use plastic carryout bags to customers at the point of sale and create a mandatory \$0.10 charge per paper bag until December 31, 2014, and twenty-five cents (\$0.25) per paper bag on or after January 1, 2015. However, under this alternative, the Ordinance would apply to all categories of retail establishments, including restaurants and non-profit, charitable retailers. As a result, under this alternative, no single-use plastic carryout bags would be distributed at the point of sale anywhere within the Study Area.

- Alternative 3: Mandatory Charge of \$0.25 for Paper Bags

This alternative would continue to prohibit Study Area retail establishments from providing single-use plastic bags to customers at the point of sale, but would increase the mandatory charge for a single-use paper bag from \$0.10 to \$0.25 initially rather than on or after January 1, 2015. As a result of the \$0.15 mandatory charge increase per paper bag, it is anticipated that this alternative would further and more quickly promote the use of reusable bags since customers would be deterred from purchasing paper bags due to the additional cost.

- Alternative 4: Ban on Both Single-Use Plastic and Paper Carryout Bags

This alternative would prohibit all Study Area retail establishments (except restaurants and non-profit, charitable retailers) from providing single-use plastic and paper carryout bags to customers at the point of sale. It is anticipated that by also prohibiting paper carryout bags, this alternative would significantly reduce single-use paper carryout bags within the Study

Area, and further promote the shift to the use of reusable bags by retail customers. By banning both single-use plastic and paper bags, customers would be forced to use reusable carryout bags. This is expected to increase the number of reusable bags purchased within the Study Area.

A. ALTERNATIVES ELIMINATED FROM CONSIDERATION

The Program EIR assumes the adoption of the Proposed Ordinance by the County and adoption of ordinances that are identical or materially similar to the County's Ordinance by each municipality in the Study Area. The following references to "Proposed Ordinance" refer to the adoption of an individual Ordinance in each participating agency of the Final Program EIR:

CEQA requires that all alternatives considered be described, but it does not require a full analysis of alternatives that are infeasible, that do not meet the Project objectives, or that do not potentially reduce environmental impacts. Alternatives considered but eliminated from further consideration for these reasons are addressed in Section 6.5 of the Draft Program EIR and are summarized below.

- Additional litter removal programs, education efforts, enforcement for littering, and recycling programs for plastic bags: This alternative was rejected because it does not achieve the Ordinance's objectives, including reducing the use of paper bags and promoting a shift toward the use of reusable bags.
- Ban Styrofoam (polystyrene) in addition to banning single-use plastic carryout bags: This alternative would not achieve the Proposed Ordinance's objectives of reducing the environmental impacts related to single-use plastic bags or reduce any of the Proposed Ordinance's environmental effects. Environmental impacts related to polystyrene use are outside the scope and objectives of the proposed action.
- Ban single-use plastic carryout bags, but not charge for paper bags at retailers in the Study Area: This alternative was rejected because it would not reduce customers' use of paper bags, which have greater impacts related to air quality, GHG emissions, and water quality than plastic bags on a per bag basis. In addition, this alternative would not achieve the Proposed Ordinance's objective of promoting a shift toward the use of reusable carryout bags by retail customers to as great a degree as would occur with the Proposed Ordinance.
- Ban the use of single-use plastic carryout bags by retailers (except restaurants), with the exception of plastic bags made with biodegradable or compostable additives: This alternative was rejected from consideration because the environmental impacts associated with using biodegradable and compostable additives are uncertain at

this time. Researchers at California State University Chico Research Foundation tested the degradation of biodegradable bags in composting conditions, and found that they did not degrade (CIWMB 2007; Green Cities California MEA, 2010). Furthermore, these bags reduce the quality of recycled plastics when introduced into the recycling stream and so must be kept separate to avoid contaminating the recycling stream (CIWMB 2007; Green Cities California MEA, 2010). Therefore, it is unclear what environmental impacts may be associated with switching to plastic bags made with biodegradable additives or water-soluble bags. In addition, this alternative would not achieve the objectives of reducing the amount of single-use plastic bags in trash loads (e.g., landfills), in conformance with the trash load reduction requirements of the NPDES Municipal Regional Permit, promoting a shift toward the use of reusable carryout bags by retail customers, and avoiding litter and the associated adverse impacts to stormwater systems, aesthetics and the marine environment (San Francisco Bay and the Pacific Ocean).

- Ban the use of single-use plastic carryout bags by retailers (except restaurants) and apply the ban to "doggie waste cleanup" bags at public parks: While plastic "doggie waste cleanup" bags may have certain impacts to the environment, it is assumed that these types of bags represent only a very small percentage of total plastic bag use. In contrast, the use of these types of bags promote the proper disposal of solid waste and benefit water quality in reducing sources of stormwater pollution. Thus, while this alternative would further reduce the overall number of plastic bags produced and used, it would not promote a shift toward the use of reusable carryout bags by retail customers in the Study Area and could potentially increase impacts to stormwater systems. Environmental impacts related to plastic "doggie waste cleanup" bag use in the Study Area are outside the scope and objectives of the Proposed Ordinance.
- Implement an action targeting litter from homeless encampments near water bodies: This alternative would not achieve the objectives of reducing the amount of single-use plastic bags in trash loads (e.g., landfills), in conformance with the trash load reduction requirements of the NPDES Municipal Regional Permit and promoting a shift toward the use of reusable carryout bags by retail customers.
- Require retailers to offer incentives for customers to use reusable bags (such as paying customers) rather than banning single-use bags: While this alternative may deter some customers from using single-use plastic and paper bags, it may not promote the shift to reusable carryout bags by retail customers as effectively and would place a financial burden on the Study Area retailers.

B. FINDINGS REGARDING PROJECT ALTERNATIVES

CEQA only requires public agencies to make findings regarding the feasibility of project alternatives in limited circumstances. Public Resources Code Section 21081(a) provides that a public agency may not approve a project unless it makes findings, with respect to each significant project effect, that (1) mitigation has been required to reduce the significant effect, (2) mitigation to reduce the significant effect is within the jurisdiction of another public agency and should be adopted by that agency, and (3) that "[s]pecific economic, legal, social, technological, or other considerations . . . make infeasible the mitigation measures or alternatives identified in the environmental impact report." (Pub. Res. Code § 21081(a), emphasis added, see also CEQA Guidelines § 15091(a).)

In Mira Mar Mobile Community v. City of Oceanside (CH Oceanside) (2004) 119 Cal.App.4th 477, 490, the Court of Appeals confirmed that, where the city found that the only adverse impact of a project could be avoided through the imposition of mitigation measures, "it was not required to make any findings regarding the feasibility of proposed alternatives." (Citing *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 379 ["CEQA does not require the agency to consider the feasibility of environmentally superior project alternatives identified in the EIR if described mitigation measures will reduce environmental impacts to acceptable levels"], *Laurel Heights Improvement Ass'n v. Board of Supervisors* (1988) 47 Cal.3d 376, 402, and *Laurel Hills Homeowners Ass'n v. City Council* (1978) 83 Cal.App.3d 515, 521.)

The Project would not result in any significant unavoidable effects. All potential impacts identified by Draft Program EIR and Final Program EIR are either beneficial or less than significant such that no mitigation measures are required. Accordingly, the County is not required to make findings regarding the feasibility of the alternatives considered in the EIR.

C. SUMMARY OF SIGNIFICANT UNAVOIDABLE IMPACTS

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts which cannot be avoided. Based on the analysis contained in the Final Program EIR, implementation of the Project would not result in any significant unavoidable environmental impacts.

D. GROWTH-INDUCING IMPACTS OF THE PROJECT

The Program EIR assumes the adoption of the Proposed Ordinance by the County and adoption of ordinances that are identical or materially similar to the County's Ordinance by each municipality in the Study Area. The following references to "Proposed Ordinance" refer to the adoption of an individual Ordinance in each participating agency of the Final Program EIR:

Section 15126.2(d) of the CEQA Guidelines requires a discussion of the ways in which a proposed action could be growth inducing. This includes ways in which the Project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Based on the analysis contained in the Draft Program EIR, the Project would not be growth inducing as it would not affect long-term employment opportunities or increase the region's population. Employment patterns in the region would not be affected, as there are no known plastic bag manufacturing facilities in the Study Area. In addition, recyclable paper bag use is anticipated to increase incrementally. However, similar to plastic bag manufacturing, employment patterns in the region would not be affected by the Proposed Ordinance, as there are no known paper bag manufacturing plants in the Study Area. However, it should be noted that there is a paper bag manufacturing plant in Buena Park, California. Also, demand for reusable bags can be anticipated to increase. Nevertheless, incremental increases in the use of paper and reusable bags in the region are not anticipated to significantly affect long-term employment at these facilities or increase the region's population.

Revenues generated by sales of paper bags would remain with the affected stores. The Proposed Ordinance would not affect economic growth and therefore would not be significant.

No improvements to water, sewer, and drainage connection infrastructure would be necessary for Project implementation. No new roads would be required. Because the Proposed Ordinance would not include any physical development or construction activities and would not involve the extension of infrastructure into areas that otherwise could not accommodate growth, it would not remove an obstacle to growth.

For these reasons, the Project would not result in significant growth-inducing impacts.

E. SIGNIFICANT IRREVERSIBLE CHANGES TO THE ENVIRONMENT

The Program EIR assumes the adoption of the Proposed Ordinance by the County and adoption of ordinances that are identical or materially similar to the County's Ordinance by each municipality in the Study Area. The following references to "Proposed Ordinance" refer to the adoption of an individual Ordinance in each participating agency of the Final Program EIR:

Section 15126.2(c) of the State CEQA Guidelines states that significant irreversible environmental changes associated with a project shall be discussed, including the following:

- (1) Uses of non-renewable resources during the initial and continued phases of the Project that may be irreversible because a large commitment of such resources makes removal or non-use thereafter unlikely;
- (2) Primary impacts and, particularly, secondary impacts (such as highway improvement that provides access to a previously inaccessible area), which generally commit future generations to similar uses; and
- (3) Irreversible damage that could result from environmental accidents associated with the Project.

The intent of the Proposed Ordinance is to reduce the environmental impacts related to the use of single-use carryout bags, and to promote a shift toward the use of reusable bags. As an Ordinance, the Project would not include development of any physical structures or involve any construction activity. Therefore, the Proposed Ordinance would not alter existing land uses or cause irreversible physical alterations related to land development or resource use. To the contrary, the express purpose of the Ordinance is to reduce the wasteful use of resources and associated environmental impacts. Therefore, the Project, as proposed, would not result in significant irreversible environmental changes.

12. SUMMARY

Based on the foregoing findings and the information contained in the record, it is determined that:

All potential effects on the environment due to the Project are either less than significant, such that no mitigation is required, or beneficial to the environment.

13. INCORPORATION BY REFERENCE

The Final Program EIR is hereby incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the basis for determining the significance of impacts and the comparative analysis of alternatives.

14. RECIRCULATION NOT REQUIRED

Minor changes to the Draft Program EIR have been made since its publication as a result of comments received from organizations and individuals on the document. Staff-initiated changes include minor corrections and clarification to the text to correct typographical errors. None of the changes affect the analysis or conclusions of the Draft Program EIR.

The changes to the Draft Program EIR do not require recirculation of the Program EIR because they do not result in any increased environmental effects that would alter or modify the conclusions of significance contained in the Draft Program EIR. The corrections and additions do not identify any new significant impacts, and, therefore, do not require additional mitigation measures or alternatives to the proposed Project. These are minor changes that do not require recirculation of the EIR (CEQA Guidelines Section 15088.5(b)).

15. CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT

The Board finds that it has reviewed and considered the Final Program Environmental Impact Report in evaluating the Project, that the Final Program Environmental Impact Report is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the Environmental Impact Report reflects the independent judgment of the Board.

The Board declares that no significant new impacts or information as defined by CEQA Guidelines Section 15088.5 have been received by the Board after the circulation of the Draft Program Environmental Impact Report that would require recirculation. All of the information added to the Final Program Environmental Impact Report merely clarifies, amplifies or makes insignificant modifications to an already adequate EIR pursuant to CEQA Guidelines Section 15088.5(b).

The Board of Supervisors of the County of San Mateo hereby certifies the Final Program Environmental Impact Report for the Project is adequate and complete in that it addresses the environmental effects of the Project and fully complies with the requirements of CEQA and CEQA Guidelines. The Final Program Environmental Impact Report is composed of:

- The backup file material for the Project.
- The Notice of Preparation.
- The Initial Study and the studies it relies upon.

- The Draft Environmental Impact Report dated June 2012.
- The comments on the Draft Program Environmental Impact Report and responses thereto as contained in the Final Program EIR dated August 2012.
- The staff report for the public hearings before the Planning Commission held on July 11, 2012 and September 12, 2012.
- The staff report for the public hearing before the Board of Supervisors held on October 23, 2012.
- The minutes of the hearings and all documentary and other testimonial evidence submitted thereat.
- The Statement of Facts and Findings in support thereof.

Findings

CEQA Compliance: As the decision-making body for the Project, the Board has reviewed and considered the information contained in the findings and supporting documentation. The Board determines that the findings contain a complete and accurate reporting of the environmental impacts associated with the Project. The Board finds that the EIR was prepared in compliance with CEQA and applicable State and County Guidelines and that the County complied with CEQA's procedural and substantive requirements, such that the public was provided meaningful opportunity to comment regarding potential environmental effects of the Project. The 45-day public review period for the Draft Program EIR was June 22, 2012 to August 6, 2012. The 10-day public review period for the Final Program EIR was August 31, 2012 to September 10, 2012. The EIR concludes that the Project, as proposed, will result in impacts considered less than significant or beneficial to the environment.

Review by the Decision Making Body Prior to Approval: The Final Program EIR was prepared and reviewed under the supervision and directions of the County of San Mateo's Planning and Building Department staff. The Board is the final decision-making body for approval of the Project. The Board has received and reviewed the Final Program Environmental Impact Report prior to certifying the Final Program Environmental Impact Report and prior to making any decision to approve or disapprove the Project.

Independent Judgment of Lead Agency: The Final Program Environmental Impact Report reflects the County's independent judgment. Public Resources Code Section 21082.1 requires any environmental impact report or draft environmental impact report, prepared pursuant to the requirements of this division, to be prepared directly by, or under contract to, a public agency. The County has exercised independent judgment in accordance with this section retaining its own environmental consultant and directing the consultant in preparation of the Draft and Final Program Environmental Impact Report.

Conclusions: The Project would not result in any significant unavoidable effects. All potential impacts identified by Draft Program EIR and Final Program EIR are

either beneficial or less than significant such that no mitigation measures are required.

16. RESOLUTION ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

All potential impacts identified by Draft Program EIR and Final Program EIR are either beneficial or less than significant such that no mitigation measures are required. Therefore, no mitigation monitoring program is required or necessary.

PASSED, APPROVED AND ADOPTED, this 23rd day of October, 2012.

Regularly passed and adopted this 23rd day of October, 2012.

AYES and in favor of said resolution:

Supervisors:

DAVE PINE

CAROLE GROOM

DON HORSLEY

ROSE JACOBS GIBSON

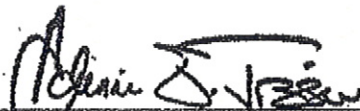
ADRIENNE J. TISSIER

NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:



*President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



*Rebecca Romero, Deputy
Clerk of the Board of Supervisors*



City Council Meeting Agenda Report

Item # _____

Meeting Date: December 10, 2012

Subject: Presentation of Comprehensive Annual Financial Report

Recommended Action

Acceptance by motion of the City's Comprehensive Annual Financial Report.

Discussion

The Department of Finance is pleased to present to you the Comprehensive Annual Financial Report for the City of Daly City for the year ended June 30, 2012. The report contains the financial activity of all of the City's funds and account groups. We believe the data presented is accurate in all material respects, that it is presented in a manner designed to fairly set forth the financial position and results of operations of the City as measured by the financial activity of its various funds, and that all disclosures necessary to enable the reader to gain maximum understanding of the City's financial activity are included.

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

Respectfully submitted,

Donald W. McVey
Director of Finance and
Administrative Services



City Council Meeting Agenda Report

Item # _____

Meeting Date: December 10, 2012

**Subject: Appropriation of \$991,100 from Water Fund Balance to Cover Expenses
Associated with the Hillside Park Slide Repair**

Recommended Action

That the City Council appropriate \$991,100 from Water Fund Balance to cover current and anticipated expenses associated with the Hillside Park Slide Repair Project.

Background

Adoption of a local emergency on November 13, 2012 (Resolution No. 12-172) in response to the Reservoir #3 water main break impacting Hillside Park and the surrounding neighborhood.

Discussion

The Hillside Park Slide Repair Project was created in response to the Council's declaration of a local emergency. Staff's working cost estimate, subject to change, is \$991,100 premised on the following:

Clean Up (working estimate)	\$ 80,000
Ghilotti Hillside Repair (initial contract)	\$497,100
Hillside Repair Contingency (30%)	\$150,000
Water Main Repair (estimate)	\$200,000
Engineering Services (estimate)	\$ 55,000
In-House Engineering (estimate)	\$ 9,000
Total Estimate	\$991,100

Fiscal Impact

Sufficient funds are available in Water Fund Balance and enable staff to initiate contracts aimed at expediting repairs. As additional information becomes available better defining the scope of work, staff will again return to the Council as needed to obtain additional appropriations.

Staff is available to answer any questions or to provide additional information as desired by the Mayor and Members of the City Council.

Respectfully submitted,

Patrick Sweetland
Director of Water and Wastewater Resources



City Council Agenda Report

Item # _____

Meeting Date: December 10, 2012

Subject: Approval of Bid Award for the Purchase of Two Ford F350 Trucks

Recommended Action

Staff recommends that the City Council accept all bids responsive to the bid solicitation and approve the purchase award for two 2013 Ford F350 trucks to Towne Ford for the total amount of \$73,878.06, including sales and tire tax.

Background

In order to provide for the timely replacement of vehicles when they reach the end of their service life vehicle depreciation charges are included in the Internal Service fund charges assessed to various City Departments. Each year the Public Works and Finance Departments utilize the funds available from accumulated depreciation charges to purchase replacement vehicles. Vehicles chosen for replacement are selected based on vehicle age, condition, total mileage, annual miles driven and other factors.

Discussion

Bids were requested to replace two aging vehicles for the Fire Department and Parks Maintenance Division. Bids were opened on November 15, 2012 and two complete and responsive bids were received. Towne Ford of Redwood City, California submitted the lowest complete and responsive bid which met the required specifications of all the vehicles. All bids responsive to the bid solicitation are shown in the table below:

BIDDER	TOTAL BID
Towne Ford	\$73,878.06
The Ford Store San Leandro	\$77,284.44

Fiscal Impact

Sufficient funding for the purchase of these two vehicles is available in the fiscal year 2012-13 Motor Vehicle Replacement Fund account 51-315-453-4558.

Summary/Conclusion

Staff recommends that the City Council accept all bids responsive to the bid solicitation and approve the purchase award for two 2013 Ford F350 Trucks to Towne Ford for the total amount of \$73,878.06, including sales and tire tax.

Approval of Bid Award for the Purchase of Two 2013 Ford F350 Trucks

Meeting Date: December 10, 2012

Page 2 of 2

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

Respectfully submitted,



Thomas Shiosaka
Motor Vehicles Supervisor



John L. Fuller
Director of Public Works