



January 3, 2012

To: Honorable Mayor & City Council

Cc: Susan Loftus, City Manger
Joan Diskin, City Clerk's Office
Larry Patterson, Public Works Director
Susan Manheimer, Police Chief
Shawn Mason, City Attorney

Date: January 3, 2012

From: David Lim, Vice-Mayor

Subject: ***INTRODUCE AN ORDINANCE: MODIFYING MUNICIPAL CODE CHAPTER 11.44.015 – PARKING METER PLACEMENT AND LIMITS.***

RECOMMENDATION: It is recommended that the City Council introduce an ordinance modifying San Mateo Municipal Code Chapter 11.44.015 (hereinafter "Section 11.55.015") to expand the definition of "holidays" to include an alternative day where various holidays fall on a Sunday.

BACKGROUND: During the holiday season of 2011, both Christmas Day (December 25, 2011) and New Year's Day (January 1, 2012) fell on a Sunday. Both holidays are defined in subdivision c of Section 11.44.015 as "holidays" on which parking meters in the City of San Mateo are not enforced.

Because Christmas and New Year's fell on a Sunday this year, most state and federal agencies therefore recognized Monday, December 26, 2011 and Monday, January 2, 2012 as holidays, with most government agencies, banks, and even private businesses shut down on those dates. The annual Rose Parade in Pasadena, California, was even held on Monday, January 2.

However, no provision of 11.44.015 allows for a meter "holiday" on any day other than December 25 or January 1. Because of this, City staff had no choice but to enforce the parking meters in the City of San Mateo on Monday, December 26 and Monday, January 2.

During this same period of time, the City of San Mateo was closed for the holidays as a cost-savings measure. All non-safety related departments and divisions were closed including, but not limited to: city hall, public libraries, parks and recreation buildings.

Parking meters in other Cities were on "holiday" on Monday, December 26 and Monday, January 2, including, but not limited to the City of San Francisco and the City of Oakland.

After both December 26 and January 2, City staff and this Councilmember received complaints about the enforcement of parking meters on those dates. After discussions with the complainants, it was explained that City Staff have no choice but to enforce the City Codes as written.

It appears that Section 11.44.015 does not contemplate what happens when certain holidays fall on a Sunday. While most other municipalities recognize the "observed" holiday dates, Section 11.44.015 provides no such flexibility.

The current code section is problematic for two reasons:

- 1) From a public relations standpoint, it is bad public policy to enforce parking meters on a day that most everyone else observes as a "holiday". It also places City Staff in an awkward position of having to enforce a law on a day that most other consider a holiday.
- 2) From a fiscal standpoint, it is bad fiscal policy to require parking enforcement personnel to work during a period when the majority of the City was closed as a cost-saving measure.

It is recommended that the City Council introduce an ordinance that would give City Staff and Council more flexibility to observe holidays on days when the rest of the country observes them. It is recommended that subsection c of Section 11.44.015 be amended to read (amendments in *italics* and **bold**):

(c) Holidays. The holidays excluded and during which the parking specified in this Chapter shall not be limited nor the payment of the parking charges collected shall be as follows:

January 1, known as "New Year's Day"

The third Monday in January, known as "Dr. Martin Luther King Day"

The third Monday in February, known as "Presidents Day"

The last Monday in May, known as "Memorial Day"

July 4, known as "Independence Day"

The first Monday in September, known as "Labor Day"

November 11, known as "Veterans Day"

Thanksgiving Day

December 25, known as "Christmas Day"

Where any of the above holidays falls on a Sunday, the City Manger or City Council shall have the discretion to observe the holiday for purposes of this section on a date consistent with observation of said holiday by state or federal agencies.

BUDGET IMPACT: Unknown at this point.

EXHIBITS:

A. San Mateo Municipal Code § 11.44.015

B. Letter to the Editor, San Mateo Daily Journal from John B. Cunningham dated Dec. 28, 2011

Exhibit A

11.44.015 PARKING METER PLACEMENT AND LIMITS.

(a) Parking Meter Zones: Parking meters may be placed in any location along the public streets or the City or District parking lots if they are contained in the Central Parking and Improvement District.

(b) Parking Time Limits. The time limits for each parking meter area and for each meter shall be established by the City Manager and shall apply between the hours of 8:00 a.m. and 6:00 p.m. each day except for Sundays and the holidays set forth in Subsection (c) below.

(c) Holidays. The holidays excluded and during which the parking specified in this Chapter shall not be limited nor the payment of the parking charges collected shall be as follows:

January 1, known as "New Year's Day"

The third Monday in January, known as "Dr. Martin Luther King Day"

The third Monday in February, known as "Presidents Day"

The last Monday in May, known as "Memorial Day"

July 4, known as "Independence Day"

The first Monday in September, known as "Labor Day"

November 11, known as "Veterans Day"

Thanksgiving Day

December 25, known as "Christmas Day"

(d) Parking Meter Rates. Rates for parking vehicles in a space governed by a parking meter shall be as follows:

	Hour 1	Hour 2	Hour 3	Hour 4
Current On Street Pricing	\$0.50	\$0.50	NA	NA
Proposed On Street Pricing	\$0.50	\$0.50	\$1.00	\$1.00
Proposed Garage Pricing	\$0.50	\$0.50	\$0.50	\$0.50

Coins / Currency	Nickel = 6 Minutes	Dime = 12 Minutes	Quarter = 30 Minutes	Dollar = 60 Minutes
Smart Card	\$0.13 increments			
Credit Card	\$2.00 minimum			

(Ord. 2010-11 § 2, 2010; Ord. 2010-11 § 1, 2010; Ord. 2003-6 § 2, 2003; Ord. 1997-13 § 1 and § 2, 1997; Ord. 1992-14 § 4, 1992).

EXHIBIT B

Letter: City Hall owes many a parking meter refund

December 28, 2011, 04:41 AM Letter

Editor,

Dec. 26 was a federal holiday. Thus, the mayor and all of the paid officials at San Mateo City Hall took the day off. The city website said that the Dec. 26 was a holiday. But City Hall gave the firm order to issue parking tickets on Dec. 26. Why is this? When I parked in a city parking lot on Dec. 26, I fed the meter because I did not want to run the risk of a \$40 parking ticket. But right after I happened to see a parking enforcement officer at work and reminded him that this was a holiday, I got the sharp response "[today] is a federal holiday, not a city one."

Seems to me that, if our leaders celebrate the holiday, they should extend the privilege of free parking when they take the day off.

John B. Cunningham

San Mateo

BEFORE THE COUNCIL OF THE CITY OF SAN MATEO IN THE COUNCIL CHAMBERS,
330 WEST 20TH AVENUE

ORDINANCE INTRODUCED: _____
ORDINANCE ADOPTION TO BE CONSIDERED AT 7 P.M. _____

ORDINANCE NO. 2012 - _____

AMENDING SECTION 11.44.015, "PARKING METER PLACEMENT AND LIMITS"

WHEREAS, The City of San Mateo recognizes various "holidays" for purpose of not enforcing parking meters in the City of San Mateo; and

WHEREAS, The current law does not provide for what happens when certain holidays fall on a Sunday; and

WHEREAS, Enforcing parking meters on days when most everyone else in the country is observing a holiday that falls on a Sunday is against sound public policy and the spirit of the holidays; and

WHEREAS, Enforcement of parking meters on days when most everyone else in the country is observing a holiday that falls on a Sunday places City employees in a difficult and awkward situation regarding good customer relations with the residents and guests of the City of San Mateo;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, ORDAINS that:

Section 11.44.015, subdivision (c) of the San Mateo Municipal Code is amended to read:

(c) Holidays. The holidays excluded and during which the parking specified in this Chapter shall not be limited nor the payment of the parking charges collected shall be as follows:

January 1, known as "New Year's Day"

The third Monday in January, known as "Dr. Martin Luther King Day"

The third Monday in February, known as "Presidents Day"

The last Monday in May, known as "Memorial Day"

July 4, known as "Independence Day"

The first Monday in September, known as "Labor Day"

November 11, known as "Veterans Day"

Thanksgiving Day

December 25, known as "Christmas Day"

Where any of the above holidays falls on a Sunday, the City Manger or City Council shall have the discretion to observe the holiday for purposes of this section on a date consistent with observation of said holiday by state or federal agencies.