



“The City With a Heart”

Jim Ruane, Mayor
Rico E. Medina, Vice Mayor
Ken Ibarra, Councilmember
Irene O’Connell, Councilmember
Michael Salazar, Councilmember

AGENDA
SAN BRUNO CITY COUNCIL – SPECIAL MEETING
STUDY SESSION

July 8, 2014

6:00 p.m.

Meeting Location: San Bruno Senior Center, 1555 Crystal Springs Road, San Bruno, CA

City Council meetings are conducted in accordance with Roberts Rules of Order Newly Revised and City Council Rules of Procedure. You may address any agenda item by standing at the microphone until recognized by the Council. All regular Council meetings are recorded and televised on CATV Channel 1 and replayed the following Thursday, at 2:00 pm. You may listen to recordings in the City Clerk’s Office, purchase CD’s, access our web site at www.sanbruno.ca.gov or check out copies at the Library. We welcome your participation. In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodations or appropriate alternative formats for notices, agendas and records for this meeting should notify us 48 hours prior to meeting. Please call the City Clerk’s Office 650-616-7058.

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:** Individuals allowed three minutes, groups in attendance, five minutes. If you are unable to remain at the meeting, ask the City Clerk to request that the Council consider your comments earlier. It is the Council’s policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendized pursuant to State Law.
- 4. CONDUCT OF BUSINESS:**
Receive Report and Provide Direction Regarding Implementation of Four Housing Element Programs Related to Reasonable Accommodation for Persons with Disabilities, Residential Density Bonuses, Definition of Transitional and Supportive Housing, and Emergency Shelters.

- 5. ADJOURNMENT:**
The next Regular City Council Meeting will be held on July 8, 2014 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: July 8, 2014

TO: Honorable Mayor and Members of the City Council

FROM: David Woltering, Community Development Director

SUBJECT: Receive Report and Provide Direction Regarding Implementation of Four Housing Element Programs Related to Reasonable Accommodation for Persons with Disabilities, Residential Density Bonuses, Definition of Transitional and Supportive Housing, and Emergency Shelters

BACKGROUND

The City's current 2007-2014 Housing Element was certified by the State Department of Housing and Community Development (HCD) on June 15, 2010. The Housing Element includes goals, programs and implementation actions that support the overarching aim to provide decent housing and a suitable living environment to meet the housing needs of the citizens of San Bruno. Four of the adopted implementation actions are yet to be addressed. State law requires the City to implement these actions which involve zoning code amendments to remain in compliance with Housing Element regulations. These amendments pertain to the following: (i) allow reasonable accommodation for people with disabilities; (ii) adopt a density bonus ordinance consistent with state law; (iii) permit transitional and supportive housing by right in residential zones; and (iv) allow emergency shelters in at least one zone.

San Bruno, along with all other Bay Area localities, is required to update and adopt its Housing Element for the next planning period, 2014-2022, by the deadline of January 31, 2015, pursuant to Government Code 65583. Staff anticipates submitting the City's draft update during the period of September/October of 2014 for HCD review. HCD provides for streamlined review of this Housing Element update, if the current Housing Element is in compliance with State law. The City will find it challenging to meet the deadline if it cannot qualify for the streamlined procedure developed by HCD. There are significant risks and penalties associated with not meeting the deadline, including requiring the next Housing Element update in four years rather than eight years and disqualification from several housing, community development and infrastructure funding programs.

The following summary describes the Implementation Action with an explanation of why the action is necessary for each of the four Housing Element programs:

Program 3-F. Facilitate reasonable accommodations.

Implementation Action: Adopt a written reasonable accommodations procedure into the Zoning Ordinance to provide exceptions in zoning and land use for housing for persons with disabilities.

The federal Fair Housing Act ("FHA") and the California Fair Employment and Housing Act require local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations "may be necessary to afford" disabled persons "an equal opportunity to use and enjoy a dwelling."

Program 5-B. Implement State density bonus regulations.

Implementation Action: Include provisions for density bonuses for residential developments in the Zoning Ordinance, including defining incentives such as reductions in parking, open space, setbacks, etc.

In 2004, the State Legislature passed SB 1818 (Government Code Section 65915), which requires the City to provide incentives for affordable housing, senior housing, and child care facilities. The statute requires local jurisdictions to adopt the law into their municipal codes. The law allows developers who offer affordable units in their developments a density bonus, allowing more units than the City's zoning ordinance would typically permit.

Program 6-E. Address identified need for extremely low income and supportive housing.

Implementation Action: Amend the Zoning Ordinance definition of "Special residential care facilities", already allowed by right in any residential zone, to include transitional and supportive housing uses.

In 2008, the State legislature passed SB 2 (Government Section Code 65583(a)(4)), which requires transitional and supportive housing to be considered a residential use in the zoning code, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Transitional housing is defined as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. Supportive housing has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population such as low income persons with mental disabilities, AIDS, substance abuse, or chronic health conditions or persons whose disabilities originated before the person turned 18.

Program 6-D. Accommodate the City's share of emergency (homeless) shelter need.

Implementation Action: Amend the Zoning Ordinance to identify the Transit Oriented Development (TOD) Area designated under the 2025 General Plan as the appropriate

zone or zones within which emergency shelters are permitted by right, in accordance with State law.

SB 2 (Government Code Section 65583(a)(4)) requires that emergency shelters be permitted by right in at least one zone with sufficient capacity to accommodate the local need for emergency shelters. San Bruno has an identified need for 32 homeless shelter beds based on the County Homeless Census and Survey conducted in January 2009. The City must identify potential site(s) or a zoning district in which emergency shelters can be permitted without discretionary review by the local government, subject to reasonable and objective standards permissible by law. The current Housing Element identifies the General Plan TOD land use classification as the appropriate location for emergency shelters because it is designated as a multi-use area and is located where a shelter would be in close proximity to public transportation and support services.

On April 8, 2014, staff gave a presentation to the City Council on progress in implementing current Housing Element, including these four proposed zoning code amendments and efforts to update the Housing Element for the next planning period as mandated by State law. And, previously, on March 4, 2014, staff presented the same information to the Planning Commission.

On May 6, 2014, staff presented the four draft Housing Element zoning code amendments to the Planning Commission for review. The Planning Commission unanimously recommended that the City Council adopt the three attached ordinances, but determined that more study is necessary on the proposed location of emergency shelters. Seven residents spoke at the meeting expressing concerns about potential concentration of homeless persons and impacts on the quality of life of the surrounding residential neighborhood. Several residents urged the City to explore alternative locations for emergency shelters. Staff also received seven phone calls and letters from residents expressing similar concerns prior to the Planning Commission meeting. The Planning Commission directed staff to further study and provide recommendations regarding the residents' concerns. The Planning Commission also requested that staff provide additional information about the make-up of homeless population in San Bruno, their needs and performance standards for shelters at a future meeting. While fully supportive of the emergency shelter zoning, the Planning Commission seeks to ensure that the ordinance is sensitive to existing residents, while providing needed shelter for homeless persons and complying with State law.

The minutes of the Planning Commission meeting are included as Attachment 1. The Planning Commission found that the proposed Municipal Code Amendments pertaining to the other three amendments are consistent with the General Plan of the City of San Bruno and were reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA).

DISCUSSION

The proposed Housing Element implementation draft zoning ordinance amendments are included in Attachments 2, 3, and 4. The adoption of the ordinances is important to the current Housing Element remaining in compliance with State Housing law and to ensure that

the City qualifies for streamlined review of the current Housing Element update. The discussion below provides a summary of each proposed Municipal Code amendment.

Reasonable Accommodation

The proposed Municipal Code amendment would add a Chapter 12.240 (Reasonable Accommodation) to Title 12 (Land Use). The ordinance would establish a process for persons with disabilities to seek a modification to the zoning regulations, thereby eliminating regulatory barriers to providing housing for persons with disabilities as required by State law. Typical improvements that would be considered for reasonable accommodation include ramps, walls, handrails, elevators or lifts, or similar physical improvements necessary to accommodate a person's disability. For example, an applicant could request a reasonable accommodation request a wheelchair ramp to encroach within a setback without the requirement of planning review. The procedure will be a ministerial process, with minimal or no processing fee, subject to approval by the Community Development Director. If there are other discretionary items that require review, the reasonable accommodation request would be part of the discretionary review. But the reviewing body would not have discretionary review over the reasonable accommodation request.

Density Bonus Ordinance

The proposed Municipal Code amendment would add a new Chapter 12.250 (Density Bonus) to Title 12 (Land Use) of the San Bruno Municipal Code. A local Density Bonus ordinance allows the City to take local concerns into account when granting approvals for density bonus projects. The Density Bonus ordinance would include the state mandated density bonuses for residential developments, including a bonus of up to 35 percent based on the number of affordable units in the development and a flat density bonus of 20 percent for all senior housing. In addition, San Bruno's Density Bonus ordinance defines incentives and concessions to zoning standards such as reductions in parking, open space, setbacks, etc. to facilitate the housing development, depending on the percentage of affordable units provided, and any concessions requested not listed would require additional review by the City Council. Staff anticipates that density bonus will be an important tool in the production of affordable housing in addition to helping the City meet its Housing Element and Regional Housing Needs Allocation (RHNA) requirements.

Transitional and Supportive Housing

The proposed Municipal Code amendment would amend Section 12.80.445 (definition of Special Residential Care Facility), to include transitional and supportive housing within the definition of Special Residential Care Facilities. Transitional and supportive uses would be permitted by right in residential zones, which would facilitate the creation of supportive housing in accordance with the City's share of countywide need identified in the San Mateo County HOPE (Housing Our People Effectively) Plan. Special Residential Care Facilities are a permitted use in the City's residential zoning districts.

Emergency Shelters

In accordance with direction from the Planning Commission and community concerns, staff will conduct additional research and public outreach on zoning for emergency shelters, including a discussion of and alternative location(s) and performance standards. Staff

recommends that the City Council hold a study session to consider this item later this year, in order to adopt an ordinance by November or December 2014.

Environmental Review

The potential environmental impacts of implementation of the Housing Element were reviewed as a part of the Negative Declaration prepared for the 2009 Housing Element, which was approved by the City Council on March 23, 2010. The Negative Declaration determined that no adverse environmental impacts would result from implementation of the policies and programs outlined in the Housing Element. Each individual project will be subject to its own environmental review.

Next Steps

If City Council decides to move forward with formal consideration for adoption of the three Housing Element implementation zoning changes, staff will incorporate City Council input, and return with draft ordinances for a first reading in August. A second reading would be required and the ordinances would go into effect 30 days after the second reading.

FISCAL IMPACT

No direct impact. However, City staff will work with HCD and C/CAG staff on the Housing Element update.

ALTERNATIVES

1. Request Changes to the Ordinances implementing Housing Element programs
2. Do not approve the three Ordinance implementing Housing Element programs

RECOMMENDATION

Receive Report and Provide Direction Regarding Implementation of Four Housing Element Programs Related to Reasonable Accommodation for Persons with Disabilities, Residential Density Bonuses, Definition of Transitional and Supportive Housing, and Emergency Shelters

DISTRIBUTION

None

ATTACHMENTS

1. May 6, 2014 Planning Commission Minutes
2. Draft Ordinance (Reasonable Accommodation)
3. Draft Ordinance (Density Bonus)
4. Draft Ordinance (Transitional and Supportive Housing)

DATE PREPARED

June 23, 2014

REVIEWED BY

_____ CM



"The City With a Heart"

Perry Petersen, *Chair*
Mary Lou Johnson,
Vice Chair
Sujendra Mishra
Kevin Chase
Joe Sammut
Rick Biasotti.

MINUTES PLANNING COMMISSION MEETING

May 6, 2014

7:00 p.m.

Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno

CALL TO ORDER at 7:01 pm.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Petersen	X	
Commissioner Sammut	X	
Commissioner Biasotti	X	
Commissioner Mishra	X	
Commissioner Chase	X	
Commissioner Johnson	X	

STAFF PRESENT:

Planning Division: Community Development Director: David Woltering
Long-Range Planning Manager: Mark Sullivan
Senior Planner: Laura Russell
Community Development Technician: Brian Paland

Pledge of Allegiance: Commissioner Biasotti

1. Approval of Minutes

Motion to Approve Minutes of March 18, 2014 Planning Commission meeting

Chase/Mishra

VOTE: 5-0
AYES: Chair Petersen, Commissioners Chase, Sammut, Biasotti, Mishra
NOES: None
ABSTAIN: None

2. **Communication** – Community Development Director David Woltering introduced Community Development Technician Brian Paland

3. Public Comment – None

4. Announcement of Conflict of Interest – None

5. Public Hearings

A. Request for amendments to the Municipal Code to implement programs contained in the adopted 2007-2014 Housing Element:

1. Add Chapter 12.240 (Reasonable Accommodation) to Title 12 (Land Use) of the San Bruno Municipal Code to establish a process for persons with disabilities to seek a modification to zoning regulations.
2. Add Chapter 12.250 (Density Bonus) to Title 12 (Land Use) of the San Bruno Municipal Code to provide provisions for density bonuses for residential developments with affordable housing units.
3. Amend Section 12.96.110 regulating emergency shelters in the C- General Commercial district and add Section 12.84.220 (Emergency Shelters) to Title 12 (Land Use) of the San Bruno Municipal Code to allow emergency homeless shelters as a permitted use subject to location requirements and performance standards.
4. Amend Section 12.80.445 of Title 12 (Land Use) of the San Bruno Municipal Code to amend the definition of “Special residential care facility” to include transitional housing and supportive housing.

Long Range Planning Manager Sullivan: Entered staff report and provided a summary and highlights of the four ordinances.

Staff recommends that the emergency shelter ordinance be separated out from the other three zoning amendments for further consideration beyond tonight’s meeting and that the Planning Commission defer action on the Emergency Shelter Ordinance until a later meeting. Staff has prepared a revised resolution that addresses the three other amendments for Planning Commission consideration.

Staff recommends that the Commission receive public comments and discuss the Emergency Shelter ordinance but defer action until a later date. Staff provided a written summary of the comments received prior to the meeting to the Commission and public.

Chair Petersen: Clarified that staff is recommending that the Commission hear public comments on all four Code Amendments but only take action on three.

Long Range Planning Manager Sullivan: Summarized need for Emergency Shelter ordinance. There were 32 homeless residents in San Bruno identified by the census.

Commissioner Chase: Asked staff why it took so long to bring the four amendments before the Commission.

Community Development Director Woltering: The Housing Element was adopted in 2010 and covers the period of 2007-2014; the project was essentially put on hold with staff resources being consumed with addressing the PG&E explosion and fire. It was initially intended that these four issues be addressed as part of the zoning code update, but they were removed from that review process so that they could be resolved sooner and the City would continue to be eligible for the streamlined review and the eight year Housing Element update.

Long Range Planning Manager Sullivan: Noted that these ordinances must be approved for the City to continue to qualify for grant funding from the state.

Commissioner Mishra: What is it that we are voting on tonight as far as emergency shelters? I'm against clustering of uses like this. I want to better understand the demographics being served. It seems counterintuitive to the TOD (transit oriented development) zone.

Commissioner Chase: Is the Emergency Shelter Ordinance still up for discussion?

Chair Petersen: The Commission will accept comments from the public tonight, but will continue decision making to a meeting at a later date. Is there any further questions or discussion from the Commission?

Public Comment Opened.

Rich Dondell, Mills Avenue: Can the area designated on the map to accommodate homeless shelters be smaller and still meet the state requirements? Can it be located in an industrial zone?

Long Range Planning Manager Sullivan: The State requires that the City designate an area that can accommodate the number of beds required for the homeless residents. It can be located in an industrial area.

Emile Peeke, Masson Avenue: What is the length of time people are allowed to stay in a shelter? From his experience, homeless shelter residents will return to the street and will likely congregate at the new train station.

Commissioner Chase: Do we have the ability to set time limitations?

Commissioner Biasotti: How many homeless currently in town?

Long Range Planning Manager Sullivan: We can limit the stay in a shelter within certain parameters. We currently have one Shelter in town at St. Bruno's Church with 10 beds. We still need 32 to meet the need established in the homeless census.

Commissioner Mishra: Asked staff for a definition of homelessness.

Long Range Planning Manager Sullivan: Homeless refers to someone who has no place to stay. There have been no new homeless shelters in the County in a number of years. Transitional housing services are provided to the tenants after leaving the shelter.

Emile Peeke, Masson Avenue: Suggested moving the vagrants from the park to the homeless shelter. Bringing in new homeless from out of town will not help the area.

Christine Price, Mills Avenue: Asked if transitional housing will be located in a traditional home in a residential area. Asked if staff considered industrial zoned areas for locating homeless shelters. Concerned that the homeless will use fountain at the new train station for bathing. She does not see homeless in or around San Bruno; how did staff come up with that number? Asked the Commission how they will help to preserve property values in this area of the City.

Long Range Planning Manager Sullivan: At a City Council Study Session in 2009, the industrial area was considered, but the TOD zone was preferred. There was a census done in 2013; 99 homeless residents were identified in San Bruno.

Community Development Director Woltering: The industrial area was considered by staff; TOD was chosen for its proximity to services and transportation. Transitional housing would be permitted in all residential districts with up to six beds.

Commissioner Chase: Commented that the homeless are the "invisible population" and that 99 is a reasonable number.

Vaughn Gregory, Green Avenue: Read a letter and provided it to staff for the record.

Resident, Hensley Avenue: Mirrored comments of previous neighbor. There are many homeless people already living in the area. We don't want our kids to play in the front yard. Put more study into this.

Shirley Allen, Mills Avenue: Asked Commission to please reconsider. Owners and residents of this area have suffered too much and are considering moving out of the area.

Michael Chen, Budget Motel: They will not proceed with their plans to demolish and construct a nice hotel if a homeless shelter is in the area.

Chair Petersen asked for any additional public comments.

None.

Public Comment Closed, opened Commission discussion.

Commissioner Sammut: Asked staff to provide Police reports and/or statistical numbers on issues with homeless people from the Catholic Worker House and in general in the downtown area.

Chair Petersen: Noted that there were public comments on the shelter and transitional housing ordinance, but not the other items in the proposed ordinances.

Commissioner Mishra: Will abstain if the vote includes the shelters. We haven't yet defined what we are trying to resolve. The El Camino Real corridor offers visual surveillance and constant monitoring that the industrial area wouldn't allow. It would serve our community better to study this further.

Commissioner Johnson: Supported Commissioner Mishra's comments. There are a range of people who are homeless, from working people who don't have a place to stay and those with mental illness or substance abuse problems. We must take all the comments into consideration and address the issue as a community. She is also not prepared to vote on the shelter ordinance at this time.

Commissioner Biasotti: A Homeless Shelter is not consistent with the TOD plan or the General Plan. We need to consider another area.

Commissioner Chase: Supported Commissioner Johnson's comments. The homeless population is already here; we are not inviting them in. Isn't transitional housing treated the same as community care facilities?

Long Range Planning Manager Sullivan: That is correct. This proposed amendment clarifies that.

Chair Petersen: Confirmed that the Commission would like to continue this item to a later date. Asked staff if they have a date in mind.

Commissioner Mishra: Is a community workshop warranted?

Commissioner Chase: This would need to happen before the end of the year.

Commissioner Johnson: Asked staff to provide examples of functioning shelters in other areas. Where are shelters working and why? What factors are involved, such as transportation and design?

Community Development Director Woltering: Staff does not have a date in mind. Staff will take comments and discuss options such as a community workshop. Confirmed that this will need to be addressed by the end of the year. Staff will provide examples of functioning homeless shelters in other areas.

Commissioner Biasotti: Noticed a change in the definition of Residential Care Facilities and asked that the definition be amended to be more specific. Asked for a definition of inverse condemnation. [Inverse condemnation was mentioned in a public comment letter.]

Community Development Director Woltering: The definition of Residential Care Facility is from HCD (Housing and Community Development).

Commissioner Johnson: Inverse condemnation is a reduction in property values.

Chair Peterson: Asks for a motion or discussion on other items in the resolution.

Motion to continue the proposed ordinance related to Emergency Shelters to a future meeting with the request that staff provide additional information as discussed.

Commissioner Chase/Biasotti

VOTE: 6-0
AYES: All Commissioners Present
NOES: None
ABSTAIN: None

Motion to adopt Resolution 2014-01 Recommending that the City Council Amend Title 12 (Land Use) to Implement Adopted Policies in the 2007-2014 Housing Element: Add Chapter 12.240 (Reasonable Accommodation), add Chapter 12.250 (Density Bonus), and amend Section 12.80.445 (Special Residential Care Facility).

Commissioner Chase/Biasotti

ROLL CALL VOTE: 6-0
AYES: Chair Petersen, Commissioners Johnson, Chase, Sammut, Mishra, and Biasotti
NOES: None
ABSTAIN: None

- 6A.** *Community Development Director Woltering:* Staff is looking for volunteers for the next Architectural Review Committee in June.
-Chair Petersen, Commissioner Chase, and Commissioner Biasotti volunteer.
- 6B.** Commissioner Chase thanks the public for the participation and comments at the meeting.

7. Adjournment

Meeting was adjourned

David Woltering
Secretary to the Planning Commission
City of San Bruno

Perry Petersen, Chair
Planning Commission
City of San Bruno

NEXT MEETING: May 20, 2014

ORDINANCE No. XXXX

AN ORDINANCE OF THE CITY OF SAN BRUNO ADDING CHAPTER 12.240 (REASONABLE ACCOMMODATION) TO TITLE 12 (LAND USE) OF THE SAN BRUNO MUNICIPAL CODE TO IMPLEMENT ADOPTED POLICIES IN THE 2007-2014 HOUSING ELEMENT

The City Council of the City of San Bruno ordains as follows:

Section 1. The City Council finds and declares as follows.

1. California State law requires that all local governments adopt a comprehensive General Plan and the Housing Element is one of the seven mandated elements of the General Plan. State law sets forth many content and schedule requirements for the Housing Element.
2. The City Council adopted the 2007-2014 Housing Element on March 23, 2010 and it was certified by the State Department of Housing and Community Development on June 15, 2010. The Housing Element includes programs and implementation actions that must be completed during the 2007-2014 Housing Element period in order to be in compliance with State law.
3. The federal Fair Housing Act ("FHA") and the California Fair Employment and Housing Act ("FEHA") require local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations "may be necessary to afford" disabled persons "an equal opportunity to use and enjoy a dwelling."
4. The implementation actions required by Housing Element Program 3-F, Fair Housing Act, and California Fair Employment and Housing Act require amendments to Title 12 of the San Bruno Municipal Code (the San Bruno Zoning Code) related to reasonable accommodation.
5. On May 6, 2014 the Planning Commission conducted a duly noticed public hearing and passed a resolution recommending that the City Council adopt said ordinance.
6. On ___ the City Council conducted a duly noticed public hearing and the City Council introduced said Ordinance.

Section 2. New Chapter 12.240 (Reasonable Accommodation) is added to Title 12 of the San Bruno Municipal Code (the San Bruno Zoning Code) as follows:

Sections:

- 12.240.010 Purpose
- 12.240.020 Applicability
- 12.240.030 Review Authority
- 12.240.040 Application Submittal and Review
- 12.240.050 Criteria for Decision
- 12.240.060 Conditions of Approval

12.240.070 Post-Decision Procedures

12.240.010 Purpose

This chapter establishes a procedure for requesting Reasonable Accommodation for persons with disabilities seeking equal access to housing. A Reasonable Accommodation is typically an adjustment to physical design standards to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

12.240.020 Applicability

A. Eligible Applicants. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any entity, when the application of the Zoning Ordinance or other land use regulations, policy, or practice acts as a barrier to fair housing opportunities.

B. Definition. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment as further defined under Section 12102 of the Americans with Disabilities Act and applicable State law.

C. Eligible Request. A request for Reasonable Accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice

12.240.030 Review Authority

A. The Community Development Director shall take action on all Reasonable Accommodation applications.

B. The Community Development Director may refer any Reasonable Accommodation application to the Planning Commission for review and final decision.

12.240.040 Application Submittal and Review

An application for a Reasonable Accommodation shall include drawings, data, or information deemed necessary by the Community Development Director to accomplish the purposes of this title, state law, or the American with Disabilities Act.

12.240.050 Criteria for Decision

The Community Development Director shall make a written decision and either approve, approve with modifications, or deny a request for Reasonable Accommodation based on consideration of all of the following factors:

A. Whether the housing which is the subject of the request will be used by an individual with a disability thereunder;

B. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability;

C. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;

D. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;

E. Potential impacts on surrounding uses;

F. Physical attributes of the property and structures; and

G. Other Reasonable Accommodations that may provide an equivalent level of benefit.

12.240.060 Conditions of Approval

In approving a request for Reasonable Accommodation, the Community Development Director may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the criteria required by Section 12.240.050 (Criteria for Decision).

12.240.070 Post-Decision Procedures

The decision of the Community Development Director may be appealed to the Planning Commission. Any person may submit an appeal, which shall be filed within ten days following the date the decision was made. An appeal shall be submitted in writing on an official City application form together with all required application fees.

Section 3. Validity. The City Council of the City hereby declares that should any section, paragraph, sentence or work of this code as adopted and amended herein be declared for any reason to be invalid, it is the intent of the City Council of the City that it would have passed all other portions or provisions of this Ordinance independent of the elimination here from any such portion or provision as may be declared invalid.

Section 4. This Ordinance has been reviewed with respect to applicability of the California Environmental Quality Act (CEQA). The proposed zoning ordinance amendment is an Implementation Actions contained in the current Housing Element to carry out housing programs. The potential environmental impacts of implementation of the Housing Element programs were reviewed as a part of the Negative Declaration prepared for the Housing Element. This document determined that no adverse environmental impacts would result from implementation of the policies and programs outlined in the Housing Element, and the Negative Declaration and Housing Element were approved by the City Council on March 23, 2010.

Section 5. This Ordinance shall be published as required by law and shall be in force 30 days after its adoption.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM

City Attorney

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I hereby certify that the foregoing Ordinance No. XXXX was introduced on _____, 2014 and adopted at a regular meeting of the San Bruno City Council on _____, 2014, by the following vote:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

City Clerk

ORDINANCE No. XXXX

AN ORDINANCE OF THE CITY OF SAN BRUNO ADDING CHAPTER 12.250 (DENSITY BONUS) TO TITLE 12 (LAND USE) OF THE SAN BRUNO MUNICIPAL CODE TO IMPLEMENT ADOPTED POLICIES IN THE 2007-2014 HOUSING ELEMENT

The City Council of the City of San Bruno ordains as follows:

Section 1. The City Council finds and declares as follows.

1. California State law requires that all local governments adopt a comprehensive General Plan and the Housing Element is one of the seven mandated elements of the General Plan. State law sets forth many content and schedule requirements for the Housing Element.
2. The City Council adopted the 2007-2014 Housing Element on March 23, 2010 and it was certified by the State Department of Housing and Community Development on June 15, 2010. The Housing Element includes programs and implementation actions that must be completed during the 2007-2014 Housing Element period in order to be in compliance with State law.
3. In 2004, the State legislature passed Senate Bill 1818, which significantly changed State Density Bonus Law including requiring local jurisdictions to adopt the law into their municipal codes.
4. The implementation actions required by Housing Element Program 5-B and Senate Bill 1818 require amendments to Title 12 of the San Bruno Municipal Code (the San Bruno Zoning Code) related to density bonus.
5. On May 6, 2014 the Planning Commission conducted a duly noticed public hearing and passed a resolution recommending that the City Council adopt said ordinance.
6. On ___ the City Council conducted a duly noticed public hearing and the City Council introduced said Ordinance.

Section 2. New Chapter 12.250 (Density Bonuses) is added to Title 12 of the San Bruno Municipal Code (the San Bruno Zoning Code) as follows:

Sections:

- 12.250.010 Purpose
- 12.250.020 Definitions
- 12.250.030 Eligibility
- 12.250.040 Amount of Density Bonus
- 12.250.050 Standards for Affordable Units
- 12.250.060 Donations of Land
- 12.250.070 Incentives
- 12.250.080 Waivers or Reductions of Development Standards

- 12.250.090 Reduced Parking Requirement
- 12.250.0100 Housing with Child Care Facilities
- 12.250.0110 Application and Review
- 12.250.0120 Continued Affordability
- 12.250.0130 Density Bonus Housing Agreement

12.250.010 Purpose

This article implements Government Code Section 65915, which requires the City to provide incentives for affordable housing, senior housing, and child care facilities. In the event of any conflict between this article and Section 65915 of the Government Code, the provisions of the Government Code shall apply.

12.250.020 Definitions

- A. "Affordable Housing Project" means a Housing Project which will be made available to and reserved for very low-income households, low-income households, or moderate-income households at a monthly rent or payment not to exceed 30 percent of the total combined monthly income of the targeted income group.
- B. "Density Bonus" means a density increase over the otherwise maximum allowable residential density as permitted by the applicable zoning district in the Zoning Ordinance.
- C. "Common-Interest Development" means a community apartment project, a condominium project, a planned development, or a stock cooperative.
- D. "Child Care Facility," means an establishment providing child day care services, other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.
- E. "Housing Project" means a development project for five or more residential units, a subdivision or common interest development of five or more unimproved residential parcels, a development project to substantially rehabilitate and convert an existing commercial building to contain five or more residential units, or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in five or more residential units.
- F. "Incentive" means the waiver or reduction of a City standard, regulation, or requirement as necessary to render an Affordable Housing Project financially feasible.
- G. "Low-Income Households" means a household with a total combined income not exceeding 80 percent of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.
- H. "Maximum Allowable Residential Density" means the maximum residential density permitted by the applicable zoning district as established in the Zoning Ordinance.
- I. "Moderate Income Household" means a household with a total combined income not exceeding 120 percent of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.
- J. "Senior Housing" means a development project of at least 35 dwelling units reserved for households headed by a person 62 years of age or older.
- K. "Very Low Income Household" means a household with a total combined income not exceeding 50 percent of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.

12.250.030 Eligibility

The following types of development projects are eligible for a density bonus and incentives as identified in this section.

A. Affordable Housing Projects. Affordable housing projects include one or more of the following:

1. At least 10 percent of the units affordable for low-income households.
2. At least 5 percent of the units affordable for very low-income households.
3. At least 10 percent of the total dwelling units in a common-interest development affordable to moderate-income households, provided that all units are offered to the public for purchase.

B. Senior Housing. A senior housing development or a mobile home park that limits residency based on age requirements for housing for older persons, in compliance with Civil Code Section 798.76 or 799.5.

C. Donation of Land. A donation of land for the purpose of constructing housing for very low income households.

D. Condominium Conversions. The conversion of apartments to condominiums that provides either of the following:

1. At least 33 percent of the units affordable to low- or moderate-income households.
2. At least 15 percent of the units affordable to very low-income households.

12.250.040 Amount of Density Bonus

If requested by the applicant, the City shall grant density bonuses in the amounts identified below.

A. Very Low-Income Projects. Housing projects with at least 5 percent of units affordable to very low-income households are entitled to a density bonus as shown in Table 12.250-1.

TABLE 12.250-1 AMOUNT OF DENSITY BONUS FOR VERY LOW-INCOME PROJECTS

Percent of Very Low-Income Units	Amount of Density Bonus
5%	20%
6%	22.5%
7%	25%
8%	27.5%
9%	30%
10%	32.5%
11%	35%

B. Low-Income Projects. Housing projects with at least 10 percent of units affordable to low income households are entitled to a density bonus as shown in Table 12.250-2.

TABLE 12.250-2 AMOUNT OF DENSITY BONUS FOR LOW-INCOME PROJECTS

Percent of Low-Income Units	Amount of Density Bonus
10%	20%
11%	21.5%
12%	23%
13%	24.5%
14%	26%
15%	27.5%
16%	29%
17%	30.5%
18%	32%
19%	33.5%
20%	35%

C. Moderate-Income Projects. Common interest development projects with at least 10 percent of units affordable to moderate-income households are entitled to a density bonus as shown in Table 12.250-3.

TABLE 12.250-3 AMOUNT OF DENSITY BONUS FOR MODERATE-INCOME PROJECTS

Percent of Moderate-Income Units	Amount of Density Bonus
10%	5%
11%	6%
12%	7%
13%	8%
14%	9%
15%	10%

16%	11%
17%	12%
18%	13%
19%	14%
20%	15%
21%	16%
22%	17%
23%	18%
24%	19%
25%	20%
26%	21%
27%	22%
28%	23%
29%	24%
30%	25%
31%	26%
32%	27%
33%	28%
34%	29%
35%	30%
36%	31%
37%	32%
38%	32%
39%	34%
40%	35%

D. Senior Housing. Senior housing projects are entitled to a density bonus of 20 percent of the number of senior housing units.

E. Donations of Land. Projects that donate land for very low-income housing consistent with Section 12-250.060 (Donations of Land) are entitled to a density bonus as shown in Table 12.250-4.

TABLE 12.250-4 AMOUNT OF DENSITY BONUS FOR DONATIONS OF LAND

Percent of Very Low-Income Units	Amount of Density Bonus
10%	15%
11%	16%
12%	17%
13%	18%
14%	19%
15%	20%
16%	21%
17%	22%
18%	23%
19%	24%
20%	25%
21%	26%
22%	27%
23%	28%
24%	29%
25%	30%
26%	31%
27%	32%
28%	33%
29%	34%
30%	35%

F. Condominium Conversions

1. Condominium conversion projects meeting affordability requirements identified in Section 12.250.030 (Eligibility) are entitled to a density bonus of 25 percent of the number of apartments within the structure to be converted.

2. As an alternative to the 25 percent density bonus, the City may provide an incentive of equivalent value.

3. Condominium conversions are ineligible for a density bonus if the rental units to be converted received a density bonus when they were originally constructed.

G. Calculation of Density Bonus

1. All density calculations resulting in fractional units shall be rounded up to the next whole number.

2. Affordable housing projects shall choose a density bonus from only one affordability category (e.g. very low-income) and may not combine categories.

3. A density bonus for a senior housing project may not be combined with a density bonus for an affordable housing project.

4. A density bonus for the donation of land may be combined with density bonuses for affordable and senior housing. However, in no case may a total density bonus exceed 35 percent.

12.250.050 Standards for Affordable Units

All affordable units built under the provisions of this section shall meet the following requirements:

A. Concurrency. Affordable units shall be built concurrently with market rate units unless the City and the applicant agree within the density bonus housing agreement to an alternative schedule for development.

B. Location. Affordable units shall be built on-site wherever possible and, where practical, shall be dispersed within the housing development.

C. Unit Size. The average number of bedrooms of the affordable units shall be equivalent or greater to the bedroom mix of the housing development's other units.

D. Design. The design and appearance of the affordable units shall be compatible with the design of the housing development as a whole.

E. Development Standards. Housing developments shall comply with all applicable development standards, except those that may be modified as permitted by this section.

F. Linked Sites. Circumstances may arise in which the public interest would be served by allowing some or all of the affordable units associated with one housing development to be produced and operated at an alternative development site. If the developer and the City agree to allow the production and operation of affordable units at an alternative site, the resulting linked development(s) shall be considered a single housing development for the purposes of this section.

12.250.060 Donations of Land

All land donated for the purpose of constructing affordable housing shall meet the following requirements:

A. Date of Transfer. The applicant shall donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

B. Developable Acreage. The developable acreage of the land being transferred shall be sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units in the proposed development.

C. Minimum Size. The transferred land shall have an area sufficient to permit development of at least 40 units.

D. Appropriate Regulations and Infrastructure. The transferred land shall have the appropriate General Plan land use designation, zoning and development standards to make the development of affordable units feasible. It shall have existing or planned public facilities and infrastructure that are adequate to support the development.

E. Entitlements. No later than the date of approval of the final subdivision map, parcel map, or residential development application, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land.

F. Deed Restriction. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this section. The restriction shall be recorded on the property at the time of dedication.

G. Recipient. The land shall be transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.

H. Location. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within ¼-mile of the boundary of the proposed development.

12.250.070 Incentives

A. Eligibility. An applicant who applies for a density bonus may also request one to three incentives, as described in Subsection B (Number of Incentives) and in Subsection D (Available Incentives), as needed to contribute to a development project's financial feasibility.

B. Number of Incentives. An applicant may request the following number of incentives:

1. One incentive for projects that include at least 10 percent of the total units for low-income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common-interest development.

2. Two incentives for projects that include at least 20 percent of the total units for low income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common-interest development.

3. Three incentives for projects that include at least 30 percent of the total units for low income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a common-interest development.

C. Additional Incentives. The City may, at its discretion, grant additional incentives to increase the number of affordable units provided or to increase the affordability of the affordable units.

D. Available Incentives. Each development incentive may include one and only one of the following types of regulatory relief or change:

1. Reduced minimum parcel sizes or dimensions.

2. Reduced minimum setbacks, unless adjacent to low density residential uses

3. Reduced minimum building separation requirements.

4. Reduced minimum usable open space.

5. Increased maximum floor area ratio so long as the design is consistent with any applicable design guidelines.

6. Increased maximum coverage by structures.

7. Reduced on-site parking requirements.

8. Approval of mixed-use zoning for the project site in conjunction with the housing development, if commercial, office, industrial or other land uses will reduce the cost of the

housing development and if the commercial, office, industrial or other land uses are compatible with the housing development and the existing or planned development in the area where the proposed development will be located.

9. Direct financial aid, such as the City's Below Market Rate Housing In-Lieu Fund or community development block grant funding, in the form of a loan or grant to subsidize or provide low-interest financing for on-site or off-site improvements, land or construction costs.

10. Other similar regulatory incentives or concessions that result in identifiable and financially sufficient cost reductions as recommended by the Community Development Director.

E. Justification for Incentives. An applicant requesting an incentive shall show, using one of the following methods, that the incentive is necessary to make the affordable units economically feasible:

1. A development pro forma showing the capital costs, operating expenses, return on investment, loan-to-value ratio, debt coverage ratio, the contributions provided by any applicable subsidy programs, the economic effect created by the minimum 30 year use and income restrictions on the affordable housing units, and the benefit created by the density bonus and the requested incentives.

2. An appraisal report indicating the value of the density bonus and of the incentives.

3. A funds statement identifying the projected financing gap for the project. This analysis shall show how much of the funding gap is covered by the density bonus and how much by the incentives/concessions.

F. Provision of Incentives. The City shall provide the specific incentive or incentives requested by an applicant, unless the City makes a written finding, based upon substantial evidence, of any of the following:

1. The incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in this section.

2. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low-income, low-income and moderate-income households.

3. The incentive is contrary to State or federal law.

12.250.080 Waivers or Reductions of Development Standards

A. Eligibility. An applicant who applies for a density bonus may also request a waiver or reduction of any development standard that would physically prevent the construction of the development project.

B. Development Standards Defined.

1. Development standards include any adopted City standard or regulation related to the physical location or type of construction, including but not limited to, setbacks, parking, floor area ratio, and the placement of public works improvements.

2. As defined in this section, development standards do not include land use regulations, permitting procedures, inclusionary housing requirements, or development impact fees.

C. Number of Waivers or Reductions.

1. There shall be no limit to the number of waivers or reductions available to an applicant.

2. The approval of waivers or reductions shall neither reduce nor increase the number of incentives available to a project pursuant to Section 12.250.070 (Incentives).

D. Justification for Approval. The City shall approve the requested waiver or reduction if the applicant can demonstrate that it is physically impossible to construct the project without the waiver or reduction.

E. Provision of Waivers or Reductions. The City shall approve the requested waiver or reduction, unless the City makes a written finding, based upon substantial evidence, of either of the following:

1. The waiver or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate income households.

2. The waiver or reduction is contrary to State or federal law.

12.250.090 Reduced Parking Requirement

Development projects entitled to a density bonus and incentives are also entitled to a reduced on-site parking requirement as described below.

A. Number of Spaces. Upon the request of the applicant, the City shall reduce the required on-site parking requirement to one parking space for every 0 to 1 bedroom dwelling unit.

B. Calculation of Required Parking. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

C. Configuration and Location of Parking. A development project may provide on site parking through tandem parking, but not through on-street parking.

D. Additional Parking Incentives. An applicant may request parking incentives beyond those provided in this section pursuant to Section 12.250.070 (Incentives).

12.250.0100 Housing with Child Care Facilities

A. Additional Bonus or Incentive. A development project eligible for a density bonus or incentive that includes a child care facility as part of the project is entitled to one of the following:

1. An additional density bonus equal to the amount of square footage of the facility;

or

2. One additional incentive that contributes significantly to the economic feasibility of the child care facility.

B. Conditions. The City shall require, as a condition of approving a housing development with a child care facility, that the following occur:

1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.

2. Of the children who attend the child care facility, the percentage of children who reside in affordable units shall equal or exceed the percentage of dwelling units that are available for very low-income, low-income, or moderate-income households.

C. Basis for Denial. The City is not required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the vicinity of the proposed project is adequately served by existing child care facilities.

12.250.0110 Application and Review

A. Application. A developer seeking approval of a density bonus and an additional incentive or incentives shall file an application with the Community Development Department. The Department shall process the application concurrently with any other application required for the development project. The form and content of the application shall be as specified by the Department and subject to a fee established by resolution of the City Council.

B. Hearing Process. The application shall be heard and decided by the City Council with a recommendation from the Planning Commission. The procedure for giving notice of the application shall be as specified in Chapter 12.132 (Public Hearing), except that the notice shall also identify the density bonus and additional incentive or incentives requested for the project.

C. Approval of Incentives. Approval by the City Council shall be required for all development incentives.

12.250.0120 Continued Affordability

The following requirements apply to all affordable units that qualify for a density bonus or other incentive.

A. Duration of Affordability.

1. All units shall remain affordable for 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

2. Rents shall be set at affordable levels as defined in Health and Safety Code Section 50053.3. Owner-occupied units shall be available at an affordable cost as defined in Health and Safety Code Section 50052.5.

B. Equity Sharing Agreement. The City shall enforce an equity sharing agreement for the resale of all common interest moderate-income units. The following apply to the equity sharing agreement:

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.

2. The City shall recapture any initial subsidy, and its proportionate share of appreciation, which shall be used by the City within five years as described in Health and Safety Code Section 33334.2(e).

3. The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down-payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

4. The City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the home at the time of initial sale.

12.250.0130 Density Bonus Housing Agreement

A. Agreement Required. As a condition for the approval of a density bonus and additional incentives, the applicant shall agree to enter into a density bonus housing agreement with the City. The executed density bonus housing agreement shall be recorded on the parcel or parcels designated for the construction of affordable units, or donated for the purpose of constructing housing units as specified in this section. The approval and recordation shall occur prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for the parcels or units. The density bonus housing agreement shall be binding upon all future owners and successors in interest.

B. Content of Agreement. The density bonus housing agreement shall, at a minimum, include all of the following:

1. The total number of units approved for the housing development, including the number of affordable units.

2. A description of the household income groups to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.

3. The location, unit size in square feet, and number of bedrooms of each affordable unit.

4. The location and square footage of any land being donated for the purpose of constructing housing units that are affordable to very low-income households.

5. The location and square footage of any child care facility for which a density bonus or additional incentive is being granted.

6. Tenure of use restrictions for affordable units and units built on donated land.

7. A schedule for the completion and occupancy of affordable units.

8. A description of the additional incentives, waivers, or reductions being provided by the City.

9. A description of remedies for breach of the agreement, by either party, including the provision that tenants or qualified purchasers are third-party beneficiaries under the agreement.

10. Other provisions as appropriate to ensure implementation and compliance with this section's requirements for density bonuses and additional incentives.

C. For-Sale Requirements. In the case of for-sale housing developments, excluding affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements during the use restriction period:

1. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit or, for senior citizen housing, to a senior citizen.

2. The initial occupant of each affordable unit shall be a household that meets the income requirement for the affordable unit or, for senior citizen housing, a senior citizen.

3. The initial purchaser of each affordable unit shall execute an instrument or agreement approved by the City restricting the sale of the affordable unit during the duration of affordability period as set forth in Section 12.250.0120 (Continued Affordability). The instrument or agreement shall be recorded against the parcel containing the affordable unit and shall contain provisions, as required by the City, to ensure continued compliance with this chapter and with State law.

D. Moderate-Income Requirements. In the case of affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements:

1. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit.

2. When the initial purchaser sells the unit, the initial purchaser shall retain the value of any improvements, the down payment and the value of the unit's appreciation, less the City's share of the appreciation.

3. When the initial purchaser sells the unit, the City shall receive a share of the unit's appreciation equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of initial sale. The City shall use this share of appreciation for any of the purposes described in subdivision of Health and Safety Code Section 33334.2(e).

E. Rental Requirements. In the case of rental housing developments, the density bonus housing agreement shall provide for the following requirements during the use restriction period:

1. Rules and procedures for qualifying each tenant, determining affordable rents, filling vacancies and retaining affordable units for qualified tenants.

2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this section.

3. Provisions requiring owners to submit an annual report to the City, including the name, address and income of each person occupying an affordable unit and the bedroom size and monthly rent or cost of each affordable unit.

F. Child Care Facility Requirements. In the case of child care facilities for which a density bonus or additional incentive is being granted, the density bonus housing agreement shall provide for the following requirements:

1. Operating duration requirements for the child care facility, such that the child day care facility shall remain in operation for as long as or longer than the period of time during which the density bonus units are required to remain affordable.

2. Provisions requiring that for children who attend the child care facility, the percentage of children from the income group associated with the development's affordable units shall be equal to or greater than the minimum percentage of affordable units that shall be provided for that income group in order to receive a density to the requirements of this section.

Section 3. Validity. The City Council of the City hereby declares that should any section, paragraph, sentence or work of this code as adopted and amended herein be declared for any reason to be invalid, it is the intent of the City Council of the City that it would have passed all other portions or provisions of this Ordinance independent of the elimination here from any such portion or provision as may be declared invalid.

Section 4. This Ordinance has been reviewed with respect to applicability of the California Environmental Quality Act (CEQA). The proposed Zoning Ordinance Amendment is an Implementation Action contained in the current Housing Element to carry out housing programs. The potential environmental impacts of implementation of the Housing Element programs were reviewed as a part of the Negative Declaration prepared for the Housing Element. This document determined that no adverse environmental impacts would result from implementation of the policies and programs outlined in the Housing Element, and the Negative Declaration and Housing Element were approved by the City Council on March 23, 2010.

Section 5. This Ordinance shall be published as required by law and shall be in force 30 days after its adoption.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM

City Attorney

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I hereby certify that the foregoing Ordinance No. XXXX was introduced on ____, 2014 and adopted at a regular meeting of the San Bruno City Council on ____, 2014, by the following vote:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

City Clerk

ORDINANCE No. XXXX

AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING SECTION 12.80.445
OF TITLE 12 (LAND USE) OF THE SAN BRUNO MUNICIPAL CODE
TO IMPLEMENT ADOPTED POLICIES IN THE 2007-2014 HOUSING ELEMENT
RELATED TO TRANSITIONAL AND SUPPORTIVE HOUSING

The City Council of the City of San Bruno ordains as follows:

Section 1. The City Council finds and declares as follows.

1. California State law requires that all local governments adopt a comprehensive General Plan and the Housing Element is one of the seven mandated elements of the General Plan. State law sets forth many content and schedule requirements for the Housing Element.
2. The City Council adopted the 2007-2014 Housing Element on March 23, 2010 and it was certified by the State Department of Housing and Community Development on June 15, 2010. The Housing Element includes programs and implementation actions that must be completed during the 2007-2014 Housing Element period in order to be in compliance with State law.
3. In 2008, the State legislature passed Senate Bill 2, which requires jurisdictions to permit transitional housing and supportive housing as a residential use of property.
4. The implementation actions required by Housing Element Program 6-E and Senate Bill 2 require amendments to Title 12 of the San Bruno Municipal Code (the San Bruno Zoning Code) related to transitional housing and supportive housing.
5. On May 6, 2014 the Planning Commission conducted a duly noticed public hearing and passed a resolution recommending that the City Council adopt said ordinance.
6. On ___ the City Council conducted a duly noticed public hearing and the City Council introduced said Ordinance.

Section 2. Title 12 of the San Bruno Municipal Code (the San Bruno Zoning Code) is amended by adding the text shown in bold italics (*example*) and deleting the text shown in strikeout (~~example~~), as follows.

Section 12.80.445 (Special residential care facility) is amended as follows:

~~“Special residential care facility” means a state-authorized, certified or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent or neglected children or the elderly, when such home provides care on a twenty-four-hour-a-day basis.~~ ***residential facility providing social and personal care for six or fewer residents. Excludes facilities where medical care is a core service provided to residents, such as nursing homes and convalescent homes.***

Examples of special residential care facilities include the following:

A. Children's homes

B. Orphanages

C. Care facilities for the elderly

D. Transitional housing, which means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

E. Supportive housing, which means housing with no limit on the length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Target population means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Section 3. Validity. The City Council of the City hereby declares that should any section, paragraph, sentence or work of this code as adopted and amended herein be declared for any reason to be invalid, it is the intent of the City Council of the City that it would have passed all other portions or provisions of this Ordinance independent of the elimination here from any such portion or provision as may be declared invalid.

Section 4. This Ordinance has been reviewed with respect to applicability of the California Environmental Quality Act (CEQA). The proposed zoning ordinance amendment is an Implementation Actions contained in the current Housing Element to carry out housing programs. The potential environmental impacts of implementation of the Housing Element programs were reviewed as a part of the Negative Declaration prepared for the Housing Element. This document determined that no adverse environmental impacts would result from implementation of the policies and programs outlined in the Housing Element, and the Negative Declaration and Housing Element were approved by the City Council on March 23, 2010.

Section 5. This Ordinance shall be published as required by law and shall be in force 30 days after its adoption.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM

City Attorney

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I hereby certify that the foregoing Ordinance No. XXXX was introduced on _____ 2014 and adopted at a regular meeting of the San Bruno City Council on _____ 2014, by the following vote:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

City Clerk



"The City With a Heart"

Jim Ruane, Mayor
Rico E. Medina, Vice Mayor
Ken Ibarra, Councilmember
Irene O'Connell, Councilmember
Michael Salazar, Councilmember

AGENDA

SAN BRUNO CITY COUNCIL

July 8, 2014

7:00 p.m.

Meeting Location: San Bruno Senior Center, 1555 Crystal Springs Road, San Bruno, CA

City Council meetings are conducted in accordance with Roberts Rules of Order Newly Revised and City Council Rules of Procedure. You may address any agenda item by standing at the microphone until recognized by the Council. All regular Council meetings are recorded and televised on CATV Channel 1 and replayed the following Thursday, at 2:00 pm. You may listen to recordings in the City Clerk's Office, purchase CD's, access our web site at www.sanbruno.ca.gov or check out copies at the Library. We welcome your participation. In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodations or appropriate alternative formats for notices, agendas and records for this meeting should notify us 48 hours prior to meeting. Please call the City Clerk's Office 650-616-7058.

- 1. CALL TO ORDER:**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE:**
- 3. ANNOUNCEMENTS:**
 - a. The Regular City Council Meeting of August 12, 2014 is cancelled.
 - b. The Beautification Task Force is Accepting Nominations for the Annual Beautification Awards Program. Applications can be found on the City website and in the City Clerk's Office.
- 4. PRESENTATIONS:**
- 5. REVIEW OF AGENDA:**
- 6. APPROVAL OF MINUTES:** Special Council Meeting of June 24 and Regular Council Meeting of June 24, 2014.
- 7. CONSENT CALENDAR:** All items are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by a Councilmember, citizen or staff.
 - a. **Approve:** Accounts Payable of June 23, 2014.
 - b. **Approve:** Payroll of June 15, 2014.
 - c. **Adopt:** Resolution Approving Out of State Travel for Cable Department Staff to Attend Cable Television Industry Conferences in FY 2014-15.
 - d. **Adopt:** Resolution Accepting the State Local Partnership Program Street Rehabilitation and Reconstruction Project as Complete, Authorizing the Filing of a Notice of Completion with the San Mateo County Recorder's Office, and Authorizing Release of the Construction Contract Retention in the Amount of \$72,012.
 - e. **Adopt:** Resolution Delegating Authority for the Bay Area Water Supply and Conservation Agency to Initiate, Defend and Settle Arbitration Related to the Water Supply Agreement with the City and County of San Francisco.

- f. **Adopt:** Resolution Authorizing a Grant in the Amount of \$20,000 to the San Bruno Lions Club for the Volunteer Project to Complete Improvements at the Portola Performing Arts Center.

8. PUBLIC HEARINGS:

- 9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:** Individuals allowed three minutes, groups in attendance, five minutes. If you are unable to remain at the meeting, ask the City Clerk to request that the Council consider your comments earlier. It is the Council's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendaized pursuant to State Law.

10. CONDUCT OF BUSINESS:

- a. Receive Oral Report on the Fourth of July Fireworks Activities.
- b. Adopt Resolution Authorizing a City Contribution Not to Exceed \$800,000 for Construction of the San Bruno Grade Separation Archway.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

12. COMMENTS FROM COUNCIL MEMBERS:

13. CLOSED SESSION:

- a. Public Employee Performance Evaluation Pursuant to Government Code Section 54957: City Attorney.
- b. Public Employee Performance Evaluation Pursuant to Government Code Section 54957: City Manager.

14. ADJOURNMENT:

The next regular City Council Meeting will be held on July 22, 2014 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.



"The City With a Heart"

Jim Ruane, Mayor
Rico E. Medina, Vice Mayor
Ken Ibarra, Councilmember
Irene O'Connell, Councilmember
Michael Salazar, Councilmember

**CITY COUNCIL
SPECIAL MEETING – CLOSED SESSION
MINUTES**

June 24, 2014

6:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met on June 24, 2014 at San Bruno's Senior Center, 1555 Crystal Springs Road, San Bruno, CA. The meeting was called to order at 6:00 p.m.

2. ROLL CALL:

Presiding was Mayor Ruane, Vice Mayor Medina, Councilmembers Ibarra, O'Connell and Salazar. Recording by City Clerk Bonner.

3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: None.

4. CONDUCT OF BUSINESS:

Mayor Ruane said they would be going into closed session with no reportable action.

Conference with Legal Counsel--Existing Litigation pursuant to Government Code section 54956.9(d)(1): City of San Bruno v. California Public Utilities Commission.

4. ADJOURNMENT:

The next Regular City Council Meeting will be held on June 24, 2014, at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno, CA.

Posted Pursuant to Law 07/03/14



"The City With a Heart"

Jim Ruane, Mayor
Rico E. Medina, Vice Mayor
Ken Ibarra, Councilmember
Irene O'Connell, Councilmember
Michael Salazar, Councilmember

MINUTES SAN BRUNO CITY COUNCIL

June 24, 2014

7:00 p.m.

- 1. CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met on June 24, 2014 at the San Bruno Senior Center, at 1555 Crystal Springs Rd., San Bruno, CA. The meeting was called to order at 7:00 p.m. **Mayor Ruane** thanked the Garden Club for the beautiful flower arrangement.
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE:**

Presiding was Mayor Ruane, Vice Mayor Medina, Council members Ibarra, O'Connell and Salazar. **City Clerk Bonner** led the pledge of allegiance.
- 3. ANNOUNCEMENTS:**
 - a. **Mayor Ruane** said the City Council reminds all residents that the continuing drought conditions create heightened concern for fire safety over the upcoming July 4th holiday. Information about City regulations concerning proper use of safe and sane fireworks is available on the City website at www.sanbruno.ca.gov.
 - b. **Mayor Ruane** said the Regular City Council Meeting of August 12, 2014 is cancelled.
- 4. PRESENTATIONS:** None.
- 5. REVIEW OF AGENDA:** **Mayor Ruane** asked 10e. and 10d. be reversed.
- 6. APPROVAL OF MINUTES:** Special Council Meeting of June 3, 9, and 11 and Regular Council Meeting of June 10, 2014, approved as submitted.
- 7. CONSENT CALENDAR:**
 - a. **Approve:** Accounts Payable of June 9 and 16, 2014.
 - b. **Approve:** Payroll of June 1, 2014
 - c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated May 31, 2014.

M/S Medina/Ibarra to approve the Consent Calendar and passed with all ayes.
- 8. PUBLIC HEARINGS:**
 - a. Hold Public Hearing and Adopt Resolution Amending the Master Fee Schedule for 2014-15 Establishing Fees for Municipal Services.

Interim Finance Director O'Leary gave an overview of the staff report and summarized some of the changes and asked for questions.

Vice Mayor Medina had several suggestions:

- 1) There be a written provision to refund money for a candidate if the candidate fee is less than \$550;
- 2) On Page 47 he asked miscellaneous uniformed officers if it was for San Bruno police officers or security personnel? **O'Leary** said where off-duty officers are called in. **Vice Mayor Medina** asked at \$80.00 an hour, on time and a half, does that cover the cost to the City? **O'Leary** said at \$80.00 for the average police officer would cover the overtime cost. **Chief Telford** concurred;
- 3) On Page 43 when it comes to violations are the dollar amounts set by statutes? **City Manager Jackson** said those numbers are based on California law.
- 4) On Page 48 there are various fees for various rooms. He noted at the Senior Center the Fridays are being eliminated and asked why that change occurred. He also noted facility attendant's costs are not included to group one and two. **O'Leary** said the direct cost is the \$15. attendance fee. The senior various time periods and different days of the week have been stricken at the recommendation of the department and the way the center is facilitated and the rates shown here are the proposed rates at all times;
- 5) Going back to the gym there is a charge of \$50. plus another \$15. **O'Leary** said it is \$65. and in the final production they will attempt to make it more clear;
- 6) On the outdoor rentals, Page 49, the sites should be stipulated as to what is a small, what is a medium and what is a large;
- 7) Regarding the alcohol permit and the whether the \$15 fee is for administrative staff time. **O'Leary** said that reflects the cost of both issuing the permits and clean-up costs.
- 8) Under the pool, to bring things to the correct status, he said three lifeguards required for a private party of up to 49 and four lifeguards for 50 or more. He said 100 people would still require just the four.
- 9) On the concession stand it states, per two weeks, and if a group wishes to use it on a special occasion, could it be rented for a weekend? **O'Leary** said no.
- 10) On the lighting costs for the athletic field, he wanted to be sure the fees cover the cost for the usage of lights.

Councilmember Ibarra asked that the alcohol permit clearly states what it is for. He also said at a future meeting he would like to discuss some of these group categories.

Mayor Ruane opened the public hearing. No one wished to speak.

M/S O'Connell/Ibarra to close the public hearing and passed with all ayes.

Councilmember O'Connell introduced the resolution for adoption and passed with a unanimous vote.

b. Hold Public Hearing and Adopt Resolution Approving the 2014-15 City Manager's Recommended Operating Budget for General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds.

Adopt Resolution Approving the City's Appropriations Limit (Gann Limit) of \$34,720,090 for 2014-15.

Councilmember Ibarra asked if there was going to be any more elaboration on the questions asked from the study session. **City Manager Jackson** said it was not staff's intent to produce any additional information although there are a couple of topics that warrant a more robust discussion.

Vice Mayor Medina said he saw the code action plan and he said he believed that needed more detail. He said if this budget is approved and that position goes out, he said a further study session is appropriate.

Interim Finance Director O'Leary said the proposed budget was delivered to Council on May 31, 2014 and two study sessions followed. He gave an overview of the budget in a powerpoint presentation and asked for questions.

Councilmember Ibarra asked about the 62% for public safety and how does that compare to other cities. **O'Leary** said historically he believed 50% is where it should be and he believed the PERS rates have driven these numbers up.

Mayor Ruane opened the public hearing.

Clarice Veloso, Development Director, HIP Housing thanked the City for their ongoing support of affordable housing and highlighted San Mateo County housing statistics.

Marty Medina, Garden Ave. said it was great to hear there was a budget surplus. He wished there was additional funding to provide San Bruno an emergency notification system, more technology. He commended the City for the addition of another code enforcement officer. He suggested additional funding for the medians and a kiddie-park at 324 Florida. He also talked about a kiddie-park downtown. Lastly, he suggested selling the property on Catalpa as a means of additional resources.

M/S Ibarra/Medina to close the public hearing and passed with all ayes.

Mayor Ruane said we are part of the CAN System, Community Alert Network and there was a presentation by the Police Chief at one of the study sessions where he shared their new alert system. He said they would take a look at Florida Ave. and he believed there was something at Catalpa that precludes them from building. **City Manager Jackson** said the PG&E line runs next store to the Catalpa building.

Vice Mayor Medina said there was a presentation at one of the study sessions by Chief Telford where people will be able to go on line to see what is going on in their neighborhood. He said as far as the budget is concerned, staff goes through a lot of detail, as he himself did, and his due diligence comes from caring how our monies are spent. He was concerned about the recreation center coordinators. He asked before the code enforcement officer is finalized, staff come back with an action plan. He said PERS should be a topic of discussion. He said he would like to see how things are going when staff changes are made. He said our part-time temporary staff should be looked at and brought back to Council. He also thanked staff for their time in getting the budget done timely.

Councilmember Ibarra thanked staff for what has been done in the past ten years to improve everything and said he was in favor of this budget.

Councilmember O'Connell clarified Mr. Medina's reference to surplus monies of \$700,000. plus, and once the new costs and possible tentative costs are subtracted, it is down to \$159,000. She talked about San Mateo Ave. and the more you get people involved in their surroundings, the more pride they have in that. She also thanked staff for all they have done.

Councilmember O'Connell talked about grants to replace trash containers on San Mateo Ave. Public parking on the East Side of San Mateo Ave. needs to be looked at, the parking striping, etc. She asked how this could go together with the transportation corridor plan. She said she didn't know if we needed to amend the budget or add it to transportation.

Mayor Ruane asked something come back to Council on those requests.

Councilmember O'Connell introduced the resolution approving the 2014-15 City Manager's Recommended Operating Budget for General Fund, Enterprise Funds, Internal Service Funds, and Special Revenue Funds and passed with a unanimous vote.

Councilmember O'Connell introduced the resolution approving the City's Appropriations Limit (Gann Limit) of \$34,720,090 for 2014-15 and passed with a unanimous vote.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Robert Riechel, 7th Ave. updated Council on information from the San Mateo County Mosquito and Vector Control District. He said recent results have been negative and at this time there is no further treatment needed.

10. CONDUCT OF BUSINESS:

- a. Receive Oral Report from Recology on Establishment of the Organics Program.

Kristen Pinochi, General Manager, Recology gave a powerpoint presentation on San Bruno's Organics Program. **Councilmember Ibarra** and **O'Connell** and **Vice Mayor Medina** thanked Recology. **Councilmember O'Connell** asked if Recology could come back in a year.

Councilmember Salazar questioned the number in the tables. He said he didn't see much change in the garbage. **Pinochi** said she could come back to Council with answers.

- b. Adopt Resolution Accepting the Recommendation from the Culture and Arts Commission to Change the Location for the Installation of the Centennial Mosaic Mural from Sneath Lane to Posy Park and Authorize a Project Change Order of \$6,400 from the City's Art Fund.

Assistant Community Services Director Alita gave an overview of the staff report which asked to change the location of the Centennial Mosaic Mural from Sneath Lane to Posy Park with an increased cost and asked for questions.

Councilmember Ibarra asked if there were any visuals. **Alita** said the artist has been given elevation plans which will be brought back for viewing.

Culture and Arts Commissioner Parker asked for faith on the part of Council.

Councilmember O'Connell asked if we needed permission from Caltrain and City Manager Jackson said no.

Culture and Arts Commissioner Tobin said if the mural were placed on Sneath Lane it would not be able to be lit. She said they were asking for Council's approval to move it to Posy Park.

Mayor Ruane shared his experience meeting with the artist at the Culture and Arts Commission meeting and said she shared her excitement over the relocation.

Vice Mayor Medina said anything that can be given to Council visually in an expedited manner should be done so.

Councilmember O'Connell introduced the resolution for adoption and passed with a unanimous vote.

City Manager Jackson said they would return to Council as soon as they have a visual, hopefully by July 22.

- c. Receive a Grant Request from the San Bruno Lions Club to Complete Repairs and

Improvements at the Portola Performing Arts Center.

City Manager Jackson gave an overview of the staff report and asked for questions.

Councilmember Ibarra made comments about the proposed improvements and asked if the City could provide a grant of some funds.

Councilmember Salazar said this was identified as a needed repair by staff and asked had the Lions not come forward and volunteered to do some of this work, at what point would the City have undertaken this project? **City Manager Jackson** said probably in the next couple of months we would have proceeded with the necessary actions to engage the contract through the competitive bidding process.

Councilmember O'Connell clarified if the Lions are willing to do all the work they outlined before and do a new roof also with some financial help within the timeline discussed before? **Councilmember Ibarra** said this is why the letter came in and the window is July.

City Manager Jackson said the Lions estimated the value of the improvements to be at \$30,000. with additional costs to be added to do the roof. Staff will return at the next meeting with a resolution in the \$10,000 to \$20,000 range.

Vice Mayor Medina suggested this come back to Council with an appropriate amount.

d. Adopt Resolution Authorizing the City Manager to Execute an Amended Agreement between the City of San Bruno, City of Millbrae, and the Central County Fire Department for Shared Fire Chief Services.

e. Adopt Resolution Amending the Agreement for Shared Deputy Fire Chief, Fire Marshall and Division Chiefs Between the Cities of Millbrae and San Bruno.

Fire Chief Ladas gave an overview of the staff report with a history of what has occurred and asked for questions.

Vice Mayor Medina introduced the resolution amending the agreement for shared Deputy Fire Chief, Fire Marshall and Division Chiefs Between the Cities of Millbrae and San Bruno with Side letters with six months and passed with a unanimous vote.

Fire Chief Ladas gave an overview of extending the agreement between the City of San Bruno, City of Millbrae and the Central County Fire Department for Shared Fire Chief Services.

Councilmember O'Connell introduced the resolution for adoption for Shared Fire Chief Services and passed with a unanimous vote.

f. Adopt Resolution Authorizing the City Manager to Execute Contracts and Appropriating Funds for the Kains Avenue and San Mateo Avenue Sewer Bypass Improvements Project:

1. Authorizing Construction Contract with KJ Woods Construction, Inc. in the Amount of \$1,018,000. with a Construction Contingency of \$152,700;
2. Authorizing Contract with Vali Cooper & Associates, Inc. for Construction Inspection Services in an Amount not to Exceed \$75,565;
3. Appropriating an Additional \$274,000 in Wastewater Capital Funds to the Project for a Total Project Budget of \$1,510,100.

Associate Engineer Dahu gave an overview of the staff report and asked for questions.

Councilmember O'Connell suggested the contractor have a phone number available so the residents have a place to call. She suggested maybe there could be a meeting at the Legion Hall to let the residents know what is happening.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote.

g. Receive Report 10-year Capital Improvement Program Work Plan for Sewer and Water Main Replacement.

Public Services Director Fabry gave opening remarks and introduced **West Yost Associate's Consultant Polly Boissevain** who gave a powerpoint presentation and asked for questions.

h. Receive Report and Provide Direction Regarding Alternatives for Repair and Replacement of Private Sewer Laterals.

Public Services Director Fabry and **Deputy Director Birch** gave an overview of the staff report, discussed warranty programs, grant programs, and other alternatives and asked for acceptance of the report and guidance on staff's next steps.

Councilmember Salazar said in the case where the City does not respond to a blockage (as an alternative), the homeowners would then have to call a private plumber.

Vice Mayor Medina whatever path the Council takes, it needs public input/education, really getting out there. He asked the headquarters of the warranty programs. **Birch** said one is on the east coast, the other in the middle of the country. He said they could provide that information. **City Attorney Zafferano** said neither of the companies had any deductibles for coverage, it was monthly premium and they paid whatever the cost was.

Vice Mayor Medina suggested we look at our neighboring cities for guidance.

Councilmember O'Connell said they were trying to find a happy medium. She said the City has been taking care of it since 1986 and people are used to it and expect it and this would be a drastic change.

Robert Riechel, 7th Ave. said the citizens were led to believe if they had the right clean out the City was going to take ownership up to a certain point. If that is going to change, the City needs to be really strong in their justification. The people really need to be advised with a meeting or two.

Mayor Ruane said the City has done a number of things that have been free gratis for the citizens, but now it is costing way more than we are able to absorb. He said other cities have the homeowner take responsibility for that and he believes that is what we need to do going forward.

Councilmember Salazar said homeowners who took advantage of that program and had cleanouts installed, still have a huge advantage in reduction of cost.

Councilmember Ibarra said we need to get into a simple education process to let everyone know what this means and maybe there should be a study session.

Vice Mayor Medina said this should have been on our radar based on the figures from 2011 to 2012. He said the public needs to be brought to the table along with the rest of us.

Councilmember O'Connell said she believed she heard everyone say we needed to move, but it needed to be slow in the direction of having the homeowner take more responsibility. She said the

warranty and grant programs need to be looked at. **Birch** said maybe a community meeting could be held with one of the warranty companies.

i. Adopt Resolution Accepting Roadway Improvements Along Pacific Bay Vistas Circle, Susan Drive and Highland Drive.

Associate Engineer Cervantes gave an overview of the staff report and asked for questions.

Councilmember O'Connell introduced the resolution for adoption and passed with a unanimous vote.

j. Adopt Resolution Authorizing the Purchase of Four Ford F-350 Trucks and Three Ford Explorer Police Vehicles from Downtown Ford of Sacramento, California in the Total Amount of \$260,100.

Management Analyst Wood gave an overview of the staff report and asked for questions.

Councilmember Salazar asked about the dump truck. **Fabry** said at the time the CIP was approved, staff looked at reducing the size of the fleet including sharing with parks.

Councilmember Salazar said the Police SUV's are about 50% higher than we paid for the Crown Victoria. He asked if some of the cost is attributable to equipping them with specialized equipment and can some of that equipment be recycled? **Police Chief Telford** said the police explorer is about \$6000. more than the Crown Victoria. He said the equipment going into the explorer is not compatible with the Crown Victoria; however, going forward, it will be able to be used with future vehicles purchased.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

12. COMMENTS FROM COUNCIL MEMBERS:

Vice Mayor Medina said he had visited Chris Pallas and he was turning 90 this month and he wished him a happy birthday.

13. CLOSED SESSION:

14. ADJOURNMENT:

Mayor Ruane closed the meeting at 10.07 p.m. The next regular City Council Meeting will be held on July 8, 2014 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the City Council Meeting of
July 8, 2014

Carol Bonner, City Clerk

Jim Ruane, Mayor

06/23/14

CITY OF SAN BRUNO
WARRANT REGISTER
TOTAL FUND RECAP

FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$141,085.77
002	GENERAL FUND RESERVE	\$140,000.00
003	ONE-TIME REVENUE	\$762.00
132	AGENCY ON AGING	\$3,449.37
133	RESTRICTED DONATIONS	\$25,393.92
190	EMERGENCY DISASTER FUND	\$269.00
611	WATER FUND	\$263,147.05
621	STORMWATER FUND	\$222.66
631	WASTEWATER FUND	\$25,534.52
641	CABLE TV FUND	\$282,194.20
701	CENTRAL GARAGE	\$15,260.69
702	FACILITY MAINT. FUND	\$9,434.68
707	TECHNOLOGY DEVELOPMENT	\$2,668.55
711	SELF INSURANCE	\$25,496.53
880	PROJECT DEVELOP. TRUST	\$5,558.90
891	S.B. GARBAGE CO. TRUST	\$396,393.38

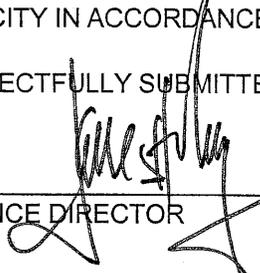
TOTAL FOR APPROVAL

\$1,336,871.22

HONORABLE MAYOR AND CITY COUNCIL:

THIS IS TO CERTIFY THAT THE CLAIMS LISTED ON PAGES NUMBERED FROM 1 THROUGH 3 INCLUSIVE, AND/OR CLAIMS NUMBERED FROM 148910 THROUGH 149066 INCLUSIVE, TOTALING IN THE AMOUNT OF \$1,336,871.22 HAVE BEEN CHECKED IN DETAIL AND APPROVED BY THE PROPER OFFICIALS, AND IN MY OPINION REPRESENT FAIR AND JUST CHARGES AGAINST THE CITY IN ACCORDANCE WITH THEIR RESPECTIVE AMOUNTS AS INDICATED THEREON.

RESPECTFULLY SUBMITTED,


FINANCE DIRECTOR

6-24-14
DATE

T.A.

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount	
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0098893	ANDREW TORRES	149050	6/23/2014	19.76
0100386	ANH-TUAN NGUYEN	149015	6/23/2014	5.56
0001202	ARAMARK UNIFORM SERVICES	148922	6/23/2014	675.40
0001965	ARISTA BUSINESS	148923	6/23/2014	520.93
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0013738	ASSOCIATION OF BAY AREA GOVERNMENTS	148932	6/23/2014	8,597.00
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0105967	BINGO SCHMINGO MUSIC PRODUCTIONS	149037	6/23/2014	325.00
0000378	BROADMOOR LANDSCAPE SUPPLY	148937	6/23/2014	39.11
0017434	BROWN & CALDWELL	148938	6/23/2014	1,189.50
0096798	BUSINESS PRODUCTS & SUPPLIES	148939	6/23/2014	620.10
0018378	CALIFA GROUP	148942	6/23/2014	535.00
0018317	CANNON DESIGN GROUP	148943	6/23/2014	2,336.40
0018977	CBS TELEVISION STATIONS	148945	6/23/2014	10,075.03
0017679	CDW GOVERNMENT, INC	148946	6/23/2014	770.11
0000729	CERTIFIED LABORATORIES	148947	6/23/2014	411.31
0095856	CHARLES MORGAN	149011	6/23/2014	7.11
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0013595	CITY OF SAN BRUNO	148951	6/23/2014	815.80
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0105187	CONCERN	148953	6/23/2014	1,328.88
0095845	CONSUELO BAUTISTA III	148931	6/23/2014	14.40
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0015857	COUNTY OF SAN MATEO	148956	6/23/2014	3,567.08
0091607	COUNTY OF SAN MATEO	148957	6/23/2014	365.00
0105741	COX MEDIA GROUP	148958	6/23/2014	7,726.25
0018331	CSG CONSULTANTS INC.	148959	6/23/2014	3,222.50
0016604	CUMMINS PACIFIC, LLC	148960	6/23/2014	511.80
0097682	CYNTHIA WONG	149064	6/23/2014	42.00
0018188	DAU PRODUCTS	148962	6/23/2014	609.13
0099990	DAVID BRANT	148936	6/23/2014	9.36
0102820	DEBRA HALL	148983	6/23/2014	289.00
0018759	DENNIS MOLLOY	148963	6/23/2014	275.00
0097780	DONNA MARTINEZ	149002	6/23/2014	24.65
0018799	ECONOMIC&PLANNING SYSTEMS INC.	148966	6/23/2014	762.00

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
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0102362 ESPN	148970	6/23/2014	5,731.37
0013714 FIRST NATIONAL BANK	148972	6/23/2014	1,010.00
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0096932 GENESIS EMPLOYEE BENEFITS, INC	148979	6/23/2014	269.00
0104135 GLOBAL TRACKING COMMUNICATIONS, INC.	149051	6/23/2014	239.92
0095966 GREATAMERICA FINANCIAL SVCS.	148980	6/23/2014	577.51
0096316 GREEN CARPET LANDSCAPING & MAINTENANCE	148994	6/23/2014	1,100.00
0017914 GSWAW INC.	148981	6/23/2014	2,779.50
0017882 HOME BOX OFFICE	148984	6/23/2014	1,328.35
0105378 HOME MAID RAVIOLI COMPANY INC.	148985	6/23/2014	240.90
0096948 I SCREAM VENDING CO	148986	6/23/2014	500.00
0001786 IN DEMAND-NYC	148987	6/23/2014	5,459.09
0015531 INTERSTATE BATTERY SYS. OF SF	148988	6/23/2014	193.94
0104733 JACKIE MATTIAS	149004	6/23/2014	172.04
0018852 JAMES CACCIA PLUMBING INC.	148989	6/23/2014	276.00
0105874 JAMES MIRANDA	149010	6/23/2014	125.00
0100416 JIM FITZGERALD	148973	6/23/2014	27.04
0099904 JORDAN FILLMORE	148971	6/23/2014	106.38
0000771 JT2 INTEGRATED RESOURCES	148990	6/23/2014	25,496.53
0098082 JUSTIN DOHERTY	148964	6/23/2014	16.24
0000075 K-119 TOOLS OF CALIFORNIA INC.	148991	6/23/2014	55.76
0000132 KELLY-MOORE PAINT CO INC.	148992	6/23/2014	218.94
0000732 KRAFT INDUSTRIAL SUPPLY	148993	6/23/2014	109.00
0105752 LEVEL 3 COMMUNICATIONS, LLC	148997	6/23/2014	3,703.76
0104424 LIDIA'S ITALIAN DELICACIES	148998	6/23/2014	2,962.50
0018177 LOWE'S	149000	6/23/2014	3,970.65
0105907 MARGARITA SOYFERTIS	149043	6/23/2014	25,000.00
0100704 MARTY CARDONE	149003	6/23/2014	495.72
0102770 METLIFE	149007	6/23/2014	320.46
0100377 MICHAEL LEI	148996	6/23/2014	6.77
0092285 MICROMARKETING LLC	149008	6/23/2014	69.97
0016863 MIDWEST TAPE, LLC	149009	6/23/2014	89.23
0105925 MONICA WALKER	149060	6/23/2014	177.40
0000333 MOSS RUBBER & EQUIP. CORP.	149012	6/23/2014	264.74
0000357 NATIONAL CABLE TV CO-OP, INC.	149014	6/23/2014	229,923.88
0097781 NORMAN GUERRERO	148982	6/23/2014	65.90
0092263 OFFICE DEPOT INC	149016	6/23/2014	509.21
0017731 OLD REPUBLIC TITLE COMPANY	148910	6/19/2014	140,000.00
0000210 OLE'S CARBURETOR &ELECTRIC INC	149017	6/23/2014	11.12
0105812 OLIVER REICH	149030	6/23/2014	393.70
0097567 ONE HOUR DRY CLEANING	149018	6/23/2014	106.50
0104998 OWEN EQUIPMENT COMPANY	149019	6/23/2014	3,237.69
0000012 PACIFIC GAS & ELECTRIC	149020	6/23/2014	29,768.67
0099428 PANKAJ AGRAWAL	148914	6/23/2014	16.24
0099740 PATRICIA CALDERON	148941	6/23/2014	9.04

6/23/2014 4:04:34PM

City of San Bruno

Document group: komalley

Bank: apbank

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Vendor Code & Name	Check #	Check Date	Amount	
0105973	PELIN BEKTUR	148933	6/23/2014	612.05
0000294	PITNEY BOWES	149021	6/23/2014	279.66
0016828	PRECISION AUTO SERVICE	149023	6/23/2014	79.00
0000285	PREFERRED ALLIANCE, INC.	149024	6/23/2014	282.08
0104116	QING CAI	148940	6/23/2014	32.00
0013981	QUILL CORPORATION	149025	6/23/2014	119.13
0000071	R & B COMPANY	149026	6/23/2014	159.50
0017111	RANDOM HOUSE INC	149027	6/23/2014	26.16
0098853	RAY DOLLAHITE	148965	6/23/2014	20.55
0000175	RECOLOGY SAN BRUNO	149028	6/23/2014	396,393.38
0104637	REGIONAL GOVERNMENT SERVICES	149029	6/23/2014	10,395.00
0017987	RISO, INC.	149031	6/23/2014	143.88
0093496	ROBERT POTTS	149022	6/23/2014	26.47
0093016	ROBERT/ANNA LEE	148995	6/23/2014	13.53
0100784	ROSALEEN MCDAID	149005	6/23/2014	7.58
0016213	ROZZI REPRODUCTION&SUPPLY INC.	149032	6/23/2014	896.63
0018839	RYAN JOHANSEN	149033	6/23/2014	214.00
0099032	SALVADOR LOPEZ	148999	6/23/2014	10.83
0000155	SAN BRUNO PARK SCHOOL DISTRICT	149034	6/23/2014	625.00
0017807	SAN MATEO COUNTY CONTROLLER'S OFFICE	148955	6/23/2014	30,160.20
0017145	SAN MATEO LAWN MOWER SHOP	149035	6/23/2014	79.98
0098021	SAN MATEO MEDICAL CENTER	149036	6/23/2014	1,400.00
0018461	SERRAMONTE FORD, INC.	149038	6/23/2014	826.29
0000074	SFPUC - WATER DEPARTMENT	149039	6/23/2014	218,260.05
0102917	SFPUC FINANCIAL SERVICES	149040	6/23/2014	3,093.00
0099615	SHARON UYAMAM	149055	6/23/2014	5.41
0001225	SIERRA PACIFIC TURF SUPPLY,INC	149041	6/23/2014	410.90
0105969	SKILLPATH SEMINARS	149042	6/23/2014	178.00
0014075	STATE BOARD OF EQUALIZATION	149044	6/23/2014	618.00
0105796	SUNRISE FOOD DISTRIBUTOR INC.	149045	6/23/2014	245.97
0103680	SUSAN MRSNY	149013	6/23/2014	146.67
0015691	TEAMSTERS LOCAL 856	149047	6/23/2014	13,266.00
0002025	TELECOMMUNICATIONS ENGINEERING ASSOCIATE	148967	6/23/2014	1,984.00
0102745	THE MERCURY NEWS	149048	6/23/2014	363.80
0014763	TOMARK SPORTS, INC.	149049	6/23/2014	812.37
0017932	TRILLIUM USA INC.	149052	6/23/2014	27.78
0105824	TRIVAD, INC.	149053	6/23/2014	3,752.70
0017133	TURBO DATA SYSTEMS INC	149054	6/23/2014	2,250.30
0102744	UNIVERSAL BUILDING SERVICES	149056	6/23/2014	163.00
0105133	UTILITY TELEPHONE, INC.	149057	6/23/2014	589.31
0099649	VANESSA ESPINOZA	148969	6/23/2014	14.25
0102988	VANTAGEPOINT TRANSFER AGENTS	149058	6/23/2014	10,445.38
0095749	VERIZON WIRELESS	149059	6/23/2014	6,892.26
0104660	WEST YOST ASSOCIATES, INC.	149061	6/23/2014	1,201.50
0096421	WEST-LITE SUPPLY CO., INC.	149062	6/23/2014	181.26
0000612	WESTVALLEY CONSTRUCTION CO.INC	149063	6/23/2014	21,343.31
0105982	WHITNEY MARQUARDT	149001	6/23/2014	102.30
0105975	WILLIAM CHUI	148948	6/23/2014	286.76
0093430	WORLD BOOK INC	149065	6/23/2014	184.22
0102630	XO COMMUNICATIONS, LLC	149066	6/23/2014	3,300.62

GrandTotal: 1,336,871.22

Total count: 157



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: July 8, 2014
TO: Honorable Mayor and Members of the City Council
FROM: Jim O'Leary, Interim Finance Director
SUBJECT: Payroll Approval

City Council approval of City the payroll distributed June 20, 2014 is recommended.
The Labor Summary report reflecting the total payroll amount of \$1,316,464.07 for the bi-weekly pay period ending June 15, 2014 is attached.

LABOR SUMMARY FOR PAY PERIOD ENDING :June 15, 2014

pyLaborDist	06/20/14
Fund: 001 - GENERAL FUND	986,102.27
Fund: 122 - SOLID WASTE/RECYCL.	1,767.05
Fund: 190 - EMERGENCY DISASTER FUND	19,678.27
Fund: 201 - PARKS AND FACILITIES CAPITAL	500.79
Fund: 203 - STREET IMPROVE. PROJECTS	5,241.13
Fund: 611 - WATER FUND	81,471.60
Fund: 621 - STORMWATER FUND	18,340.29
Fund: 631 - WASTEWATER FUND	63,103.35
Fund: 641 - CABLE TV FUND	84,855.92
Fund: 701 - CENTRAL GARAGE	10,543.68
Fund: 702 - FACILITY MAINT.FUND	23,720.88
Fund: 707 - TECHNOLOGY DEVELOPMENT	14,453.23
Fund: 711 - SELF INSURANCE	6,685.61
Total	1,316,464.07



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: July 8, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Steve Firpo, CATV Business Manager

SUBJECT: Adopt Resolution Approving Out of State Travel for Cable Department Staff to Attend Cable Television Industry Conferences in FY 2014-15

BACKGROUND:

As the operator of an independent cable system, Cable Department staff members are required to maintain a current knowledge of industry trends and practices as well as information on new cable industry products and services. Staff also uses information from trade magazines and periodicals as one way to obtain this critical awareness. Attending these industry conferences is an important opportunity to gain first-hand product knowledge, insights into planning and design and resource sourcing for the execution and successful implementation of the Cable Department's work program. Seminars also serve as valuable training opportunities that also offer projections of future products and services in the industry. In addition, these conferences provide staff with professional development and networking opportunities.

The FY 2014-15 Cable Department budget includes funding for Cable staff to attend cable television industry conferences during the year. This year a staff member attended the National Cable Television Cooperative (NCTC) Cable Show conference in Tampa, Florida and the National Cable Television Association (NCTA) Cable Show in Anaheim, California. Next fiscal year staff is considering attending several of these conferences. They are out of state and require prior City Council approval should staff decide to attend.

- National Cable Television Cooperative – Independent Operators Winter Educational Conference (NCTC - WEC) in Tampa FL (February 2015)
- National Cable Television Association – (NCTA) The Cable Show in Chicago, IL (May 2015)
- National Cable Television Cooperative (NCTC) Conference in Kansas City, MI. (July 2014)
- Society of Cable Engineers (SCTE) – Denver, CO. Cable Tec Expo (Sept 2014)

DISCUSSION:

These annually held industry conferences cover a variety of topics affecting the cable industry, including new technology, competition and regulations. Industry leaders and key executives participate on discussion panels and share information about the changes and experiences their companies are undergoing or how new services impacts their businesses.

The NCTC Cable Shows are conferences of the Co-op members where information about new technology, new legislative and regulatory developments impacting small independent operators, and best practices are discussed. Co-op members collaborate, network and share information with each other in paneled sessions during the conference. Companies attending this conference are limited to member companies, such as small to mid-sized cable operators, municipalities, and several larger operators such as Astound. Programmers are also available to showcase new channel options and services.

At the NCTA Cable Show, executives from major cable companies such as Comcast, Time Warner, Charter, Cablevision and Cox share their best practices and forecast future products and industry trends. The various cable networks and equipment vendors also roll out new products and services at these conferences.

The SCTE conference is targeted to technical personnel in the Cable industry. Showcased at this event are new technologies, new cable related products and troubleshooting tools for digital services offered today.

The show in July will feature products and information related to TV Everywhere among other small cable business topics. At this time, specific highlighted topics are not identified for the other conferences yet, but program highlights will be provided to Council when available.

FISCAL IMPACT:

The registration fee for these shows vary from \$100 - \$800 per attendee. This fiscal year the plan is only to send one staff member from the department to each conference to attend meetings, meet with programmers and look at hardware options. Staff conscientiously manages the costs of attending these conferences, which have not exceeded budgeted amounts. This year staff spent \$3900 on conference attendance thus far. Funding of \$6,000 was available this year and in the proposed FY 2014-15 Budget to cover the cost of conferences.

ALTERNATIVES:

1. Direct staff not to attend an out of state particular conference.
2. Direct staff not to attend any out of state conference.
3. Direct staff to attend other conferences.

RECOMMENDATION:

Adopt resolution approving out of state travel for Cable Department staff to attend cable television industry conferences in FY 2014-15

DISTRIBUTION:

None.

ATTACHMENTS:

1. Resolution

DATE PREPARED:

June 1, 2014

REVIEWED BY:

_____ CM

_____ FD, Other

RESOLUTION NO. 2014-_____

**RESOLUTION APPROVING OUT OF STATE TRAVEL FOR CABLE
DEPARTMENT STAFF TO ATTEND CABLE TELEVISION INDUSTRY
CONFERENCES IN FY 2014-15**

WHEREAS, the City owns a Cable Television system operated by City of San Bruno staff.

WHEREAS, staff maintains a current understanding of industry trends and practices with its membership in various cable organizations; and

WHEREAS, staff continually seeks to stay informed of new Cable TV products, services and revenue streams via periodicals and magazines; and

WHEREAS, staff maintains relationships with programmers and hardware developers by networking at industry conferences; and

WHEREAS, attendance at these conferences gives staff first-hand knowledge of new products, trends, new technologies and services for Cable TV operators

NOW THEREFORE, BE IT RESOLVED that City Council of the City of San Bruno adopts a resolution approving out of state travel for Cable Department staff to attend cable television industry conferences in FY 2014-15.

--oOo--

I hereby certify that foregoing Resolution No. 2014-_____ was introduced and adopted by the San Bruno City Council at a regular meeting on July 8, 2014 by the following vote:

AYES:

NOES:

ABSENT:

Carol Bonner, City Clerk



City Council Agenda Item
Staff Report

CITY OF SAN BRUNO

DATE: July 8, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Klara A. Fabry, Public Services Director

SUBJECT: Adopt Resolution Accepting the State Local Partnership Program Street Rehabilitation and Reconstruction Project as Complete, Authorizing the Filing of a Notice of Completion with the San Mateo County Recorder's Office, and Authorizing Release of the Construction Contract Retention in the Amount of \$72,012

BACKGROUND:

The City's Capital Improvement Program (CIP) includes the Street Rehabilitation Project to repair and apply preventative maintenance treatment to local, collector, and arterial streets. In late 2010, staff began developing a list of streets for preventative maintenance, rehabilitation, or reconstruction using the Metropolitan Transportation Commission's Street Saver Program, also known as the Pavement Management Program (PMP). Staff used the PMP to organize and analyze massive amounts of pavement data in selecting streets to assure the most optimal use of funds for maintenance or rehabilitation work. This project was established as a result of the PMP review and consisted of overlay and reconstruction of 10 street segments.

The City Council awarded the construction contract for the State Local Partnership Program Street Rehabilitation and Reconstruction Project to O'Grady Paving, Inc. on July 23, 2013 in the amount of \$1,604,435 with a construction contingency of \$241,000.

DISCUSSION:

There are no unresolved stop notices or outstanding construction claims and the Notice of Completion is ready to be filed. During placement of the new roadway section on Moulton Drive, Whitman Way, and Markham Avenue, the contractor encountered water seepage. Water seepage greatly diminishes the life of the roadway section and must be addressed. As a result, one contract change order was issued in the amount of \$104,967.

The construction project has been deemed complete. Staff recommends that the City Council accept the construction project as complete, authorize to file the Notice of Completion with the San Mateo County Recorder's Office, and approve the release of the contract retention. The construction contract required a 5% retention, which totals \$72,012 withheld by the City.

As outlined in the attached summary chart, the total project budget is \$2,011,000 and total actual project costs have been incurred at the substantially lower amount of \$1,495,928. The substantial difference in the construction cost was due to better than expected condition of the

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aggregate base and sub-base for all ten (10) roadways. As a result, the quantity of base repair bid item was reduced by 12,642 square feet for a total amount of \$106,200.

In accordance with the established procedure, staff is requesting that the City Council accept this project as complete and authorize filing of a Notice of Completion (NOC) with the San Mateo County Recorder's Office.

FISCAL IMPACT:

The City Council previously approved a project budget of \$2,011,000, which is outlined in the summary chart of attachment 2. The total construction project expenditure is \$1,495,928.

Design & Construction Support	\$	27,008
Construction Contract	\$	1,335,263
Change Orders	\$	105,000
Project Management & Inspection	\$	28,657
<hr/>		
Total Contract Amount	\$	1,495,928

ALTERNATIVES

1. Do not accept the construction contract as complete and do not authorize filing of a Notice of Completion.

RECOMMENDATION

Adopt resolution accepting the State Local Partnership Program Street Rehabilitation and Reconstruction Project as complete, authorizing the filing of a Notice of Completion with the San Mateo County Recorder's Office, and authorizing release of the construction contract retention in the amount of \$72,012

DISTRIBUTION:

None

ATTACHMENTS:

1. Resolution
2. Contract Acceptance Information Form
3. 2013-18 CIP Budget Sheet
4. Location Map

DATE PREPARED:

June 24, 2014

REVIEWED BY:

_____ CM

RESOLUTION NO. 2014 - ____

RESOLUTION ACCEPTING THE STATE LOCAL PARTNERSHIP PROGRAM STREET REHABILITATION AND RECONSTRUCTION PROJECT AS COMPLETE, AUTHORIZING THE FILING OF A NOTICE OF COMPLETION WITH THE SAN MATEO COUNTY RECORDER'S OFFICE, AND AUTHORIZING RELEASE OF THE CONSTRUCTION CONTRACT RETENTION IN THE AMOUNT OF \$72,012

WHEREAS, the City's Capital Improvement Program (CIP) includes the Street Rehabilitation Project to repair and apply preventative maintenance treatment to local, collector, and arterial streets; and

WHEREAS, the 2013-18 Capital Improvement Program includes the State Local Partnership Program (SLPP) Street Rehabilitation and Reconstruction Project to improve the pavement condition of City streets; and

WHEREAS, \$2,011,000 from Measure A, Gas Tax, Proposition 1B, and Streets Capital Funds, including \$431,000 of State Local Partnership Program Grant had been appropriated in the 2012-17 adopted CIP budget for the project; and

WHEREAS, the City Council awarded the construction contract for the project to O'Grady Paving, Inc. on July 23, 2013 in the amount of \$1,604,435 and authorized a construction contingency of \$241,000; and

WHEREAS, one contract change order was issued for the construction contract of this project in the amount of \$105,000 to address water seepage; and

WHEREAS, all construction work as part of this contract has been completed to the satisfaction of the City's project management team; and

WHEREAS, the construction contract requires the filing of a Notice of Completion of this project with the San Mateo County Recorder's Office and Release of the Construction Contract Retention in the amount of \$72,012 upon the acceptance of the project as complete.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby accepts the State Local Partnership Program Street Rehabilitation and Reconstruction Project as complete, authorizes the filing of a Notice of Completion with the San Mateo County Recorder's Office, and authorizes release of the construction contract retention in the amount of \$72,012.

Dated: July 8, 2014

ATTEST:

Carol Bonner, City Clerk

-o0o-

I, Carol Bonner, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 8th day of July 2014 by the following vote:

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____



PUBLIC SERVICES DEPARTMENT

Capital Improvement Program

Project Acceptance Information Form

As of Date: June 24, 2014

Project Information:

Contract Name	The State Local Partnership Program Street Rehabilitation and Reconstruction Project	Contract Number	82667
Project Manager	Nader Dahu		
Consultant Design & Construction Support	NCE - Nichols	Construction Contractor	O'Grady Paving, Inc.
Design Contract Award Date:	None – City Staff		
Construction Contract Award Date:	July 23, 2013		
Start of Construction:	October 28, 2013		
Contract Change Orders (CCO):	One (1) - During placement of the new roadway section on Moulton Drive, Whitman Way, and Markham Avenue, we encountered water seepage. As a result, CCO was issued to address the water seepage.		
Substantial Completion:	May 9, 2014		
Final Completion:	June 13, 2014		
Notice of Completion:	Scheduled for filing on June 25, 2014		
<p>Project Description:</p> <p>The work done consisted of, in general, providing traffic control system; providing construction area signs; removal and disposal of all excess and waste material; saw cutting existing asphalt concrete pavement and concrete curb, gutter and sidewalk; reconstruction of existing pavement; milling existing pavement and overlay with hot mix asphalt; repairing spalls and potholes; repairing pavement base; installing traffic signal detector loops; installing ADA graded storm drain grates; modifying catch basins and storm drainage facilities as needed; adjusting survey monuments and utility meters, valves and manholes; removing and replacing survey monuments; removing and replacing curb and gutter; place geo-grid; off-hauling and disposing excavated and waste material; providing temporary traffic and pedestrian control; providing construction area signs; providing dust control measures; and installing temporary and permanent pavement markings, stripes, words, arrows, and raised markers; cleaning of the site at the end of the job; furnishing all labor, material, tools, equipment, mechanical workmanship, transportation, incidentals, and services necessary to perform a complete job.</p> <p>All work items shall be constructed in accordance with the contract plans and specifications. Bidding Documents contain the full description of the Work.</p>			

Project Cost:

	Budget	Actual
TOTAL PROJECT	\$ 2,011,000	\$ 1,495,928
Design	\$ 65,565	\$ 27,008
Construction Contract	\$ 1,604,435	\$ 1,335,263
Contingency	\$ 241,000	\$
Change Orders	\$ -	\$ 105,000
Project Management and Inspection	\$ 100,000	\$ 28,657
Total Construction	\$ 1,945,435	\$ 1,468,920

Street Rehabilitation Project

PROJECT INFORMATION

Origination Year: 2004-05

Project Number: 82666 / 82667

Projected Completion Date: Ongoing Program

Life Expectancy: 25-30 years

Total Project Cost: \$ 8,145,216

Project Description:

This project involves the repair and preventative maintenance of local, collector and arterial streets based on street condition identified through the use of the City's Pavement Management Program (PMP). The long-term goal is to achieve an average pavement condition index score equal to or greater than 70. The present average in the City is 60.

The City's PMP is designed to maximize the longevity of streets with timely and cost effective maintenance and repairs while working within budget constraints. By doing so, the infrastructure investment that the City has made in the street system over past years is preserved. Accelerated roadway deterioration leads to an increase in overall roadway maintenance costs. A street in good condition also prevents the formation of hazardous conditions such as potholes.

During FY 2012-13, the Street Rehabilitation Project was separated into two projects. One is a slurry seal project and the other is a street reconstruction project. The slurry seal project is City funded while the reconstruction is partially funded by the State Local Partnership Program (SLPP).

2012-13 Status:

Staff completed construction documents for the slurry seal project. The City Council awarded the slurry seal construction contract on February 12, 2013. Construction commenced on May 8, 2013 and is substantially complete.

At their September 25, 2012 meeting, the City Council approved acceptance of the State Local Partnership Program (SLPP) in lieu of Federal Surface Transportation Program. On May 7, 2013, the California Transportation Commission (CTC) allocated \$431,000 of reimbursable SLPP funds to the City for construction contract costs. With these funds, the City is required to match \$431,000 of local Measure A funds.

2013-14 Work Plan:

Complete construction for the Street Reconstruction Project consisting of overlay and reconstruction of nine street segments. One previously identified segment, San Bruno Avenue between upper Glenview Drive and Crestmoor Drive, will be deferred due to conflicts with Crestmoor Neighborhood Reconstruction and Glenview Water Tank 3 projects.

**Project Appropriations:
Current Year Appropriations:**

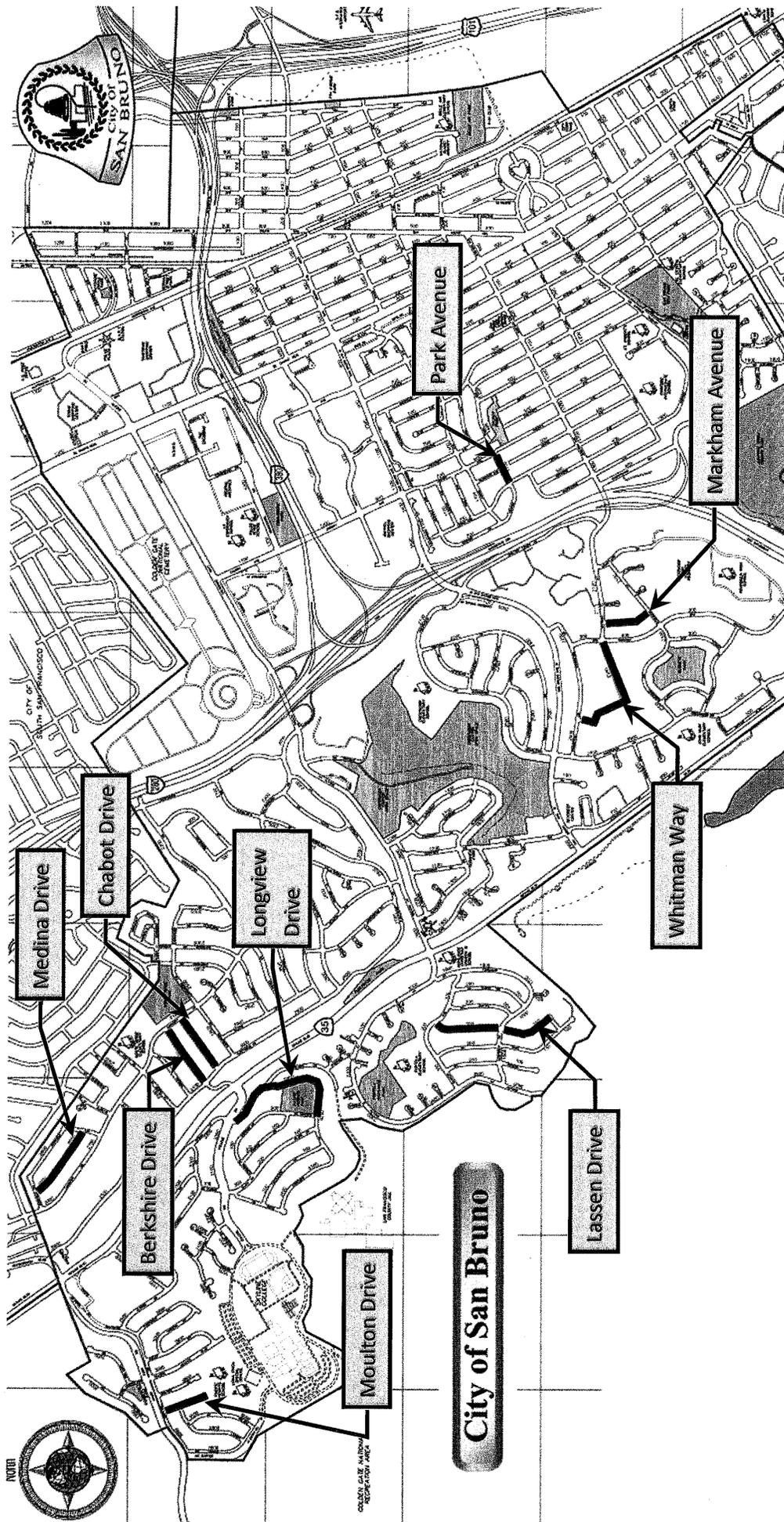
Projects	Funding Source	Prior Approp.	Prior Expense	Carryover Approp.	2013-14 Funding Request	2013-14 Total Funds Available	Total Project Cost
Street Rehab Annual Program (82666)	Various	2,934,216	(2,442,218)	491,997	0	491,997	6,134,216
State Local Partnership Program (82667)	Various	1,211,000	(28,947)	1,182,053	800,000	1,982,053	2,011,000
Total		4,145,216	(2,471,165)	1,674,050	800,000	2,474,050	8,145,216

Funding Source	Prior Approp.	Prior Expense	Carryover Approp.	2013-14 Funding Request	2013-14 Total Funds Available	Total Project Cost	
Measure A	1,839,800	(952,276)	887,523	400,000	1,287,524	4,239,800	
Gas Tax	370,000	(14,473)	355,527	400,000	755,526	1,970,000	
Prop 1B Funding	1,304,416	(1,304,416)	0	0	0	1,304,416	
Streets Capital	200,000	(200,000)	0	0	0	200,000	
State Local Partnership Program Grant	431,000	0	431,000	0	431,000	431,000	
Total		4,145,216	(2,471,165)	1,674,050	800,000	2,474,050	8,145,216

Five-Year Work Program Appropriations:

Projects	Funding Source	2013-14	2014-15	2015-16	2016-17	2017-18	Total Request
State Local Partnership Program	Measure A	400,000	0	0	0	0	400,000
State Local Partnership Program	Gas Tax	400,000	0	0	0	0	400,000
Street Rehab Annual Program	Measure A	0	500,000	500,000	500,000	500,000	2,000,000
Street Rehab Annual Program	Gas Tax	0	300,000	300,000	300,000	300,000	1,200,000
Total		800,000	800,000	800,000	800,000	800,000	4,000,000

ATTACHMENT 4 – LOCATION MAP





City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: July 8, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Connie Jackson, City Manager

SUBJECT: Adopt Resolution Delegating Authority for the Bay Area Water Supply and Conservation Agency to Initiate, Defend and Settle Arbitration Related to the Water Supply Agreement with the City and County of San Francisco

BACKGROUND:

The Bay Area Water Supply and Conservation Agency (BAWSCA) represents the interests of 26 members, including the City of San Bruno, that purchase water wholesale from the San Francisco Regional Water System. BAWSCA administers the Wholesale Water Supply Agreement with the City and County of San Francisco (San Francisco) to provide a reliable supply of high quality water at a fair price in an environmentally sustainable manner. Under the existing Wholesale Water Supply Agreement, BAWSCA is authorized to review the allocation of costs annually. BAWSCA currently disputes the allocation of costs related to power assets of the Regional Water System (RWS). BAWSCA has been in discussions with San Francisco, over the last several months, regarding this dispute and anticipates that there may be a need to resort to formal arbitration. In the 1980's and 1990's, successful arbitration lead to the resolution of financial disputes then related to the Master Contract and Settlement Agreement.

DISCUSSION:

During BAWSCA's annual review of the allocation of costs, allowed annually under the current agreement, BAWSCA disputes the calculation of the Wholesale Revenue Requirement. This calculation is the allocation of costs that are used to develop the wholesale water rates that are paid for by water customers including the City of San Bruno. BAWSCA seeks the City's authority to initiate, defend and settle arbitration as related to the Water Supply Agreement with San Francisco on behalf of the City. The BAWSCA Board of Directors will ultimately decide whether or not there is any interest in initiating, defending and settling arbitration.

To further review information related to the current dispute and to protect the financial interests of the wholesale customers by ensuring a fair share of system costs, BAWSCA will establish a Wholesale Customer Settlement Committee. The Committee will be comprised of one representative from each of the BAWSCA members and will continue collaborative work efforts for on-going matters. The City Manager will represent San Bruno on this committee. The Wholesale Customer Settlement Committee will help develop and advise recommendations as BAWSCA works with San Francisco to resolve the current disputes related to the calculation of the Wholesale Revenue Requirement. In order to assure the interests of each BAWSCA member agency are represented, the Committee will also develop and provide input on

7.e.

negotiations and share information with the BAWSCA Board of Directors as well as with each represented agency.

FISCAL IMPACT:

BAWSCA will finance the costs associated with binding arbitration if arbitration is initiated. There are no anticipated additional costs for participation on the Wholesale Customer Settlement Committee. Staff will attend meetings and participate on the Committee on an on-going and as needed basis.

ALTERNATIVES:

1. Do not authorize BAWSCA to initiate, defend and settle arbitration related to the Water Supply Agreement with San Francisco.
2. Request staff to independently review the allocation of costs calculation of the Wholesale Revenue Requirement.

RECOMMENDATION:

Adopt resolution delegating authority for the Bay Area Water Supply and Conservation Agency to initiate, defend and settle arbitration related to the water supply agreement with the City and County of San Francisco.

ATTACHMENTS:

1. Resolution
2. Letter from BAWSCA Chair dated June 16, 2014

RESOLUTION NO. 2014 - ____

AUTHORIZING THE BAY AREA WATER SUPPLY AND CONSERVATION AGENCY TO INITIATE, DEFEND AND SETTLE ARBITRATION RELATED TO THE WATER SUPPLY AGREEMENT WITH THE CITY AND COUNTY OF SAN FRANCISCO

WHEREAS, in April 2003, the City of San Bruno (City) and other water suppliers in Alameda, San Mateo and Santa Clara counties established the Bay Area Water Supply and Conservation Agency (BAWSCA) as authorized by Water Code Section 81300 *et seq.* pursuant to State legislation enacted in 2002 (AB 2058); and

WHEREAS, the City is represented on the BAWSCA Board of Directors; and

WHEREAS, the City Council has previously approved the Water Supply Agreement between the City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo County and Santa Clara County (Agreement); and

WHEREAS, the Agreement specifically delegates, pursuant to Section 8.04.A., Wholesale Revenue Requirement review to BAWSCA; and

WHEREAS, all questions and disputes related to the Agreement are subject to judicial determination, except for the following matters, specified in Section 8.01.A., which are subject to mandatory, binding arbitration: (1) the determination of the Wholesale Revenue Requirement, (2) San Francisco Public Utilities Commission's (SFPUC's) adherence to accounting practices and conduct of the Compliance Audit, and (3) the SFPUC's classification of new assets for the purposes of determining the Wholesale Revenue Requirement and

WHEREAS, the Agreement, pursuant to Section 8.04.C., provides that the Wholesale Customers may, with the consent of BAWSCA, delegate the authority to initiate, defend and settle arbitration of the matters provided for in Section 8.01.A. set forth above; and

WHEREAS, the BAWSCA Board of Directors has requested that the City delegate this authority to initiate, defend and settle arbitration solely for those limited matters in the Agreement that must be resolved through binding arbitration in order to protect the financial interests of the Wholesale Customers by ensuring they pay no more than their fair share of regional water system costs; and

WHEREAS, BAWSCA has the capabilities required to serve in this capacity by virtue of the expertise and qualifications of BAWSCA staff and consultants in relevant disciplines including civil engineering, water supply planning, finance, economics, accounting, and law; and

WHEREAS, BAWSCA will also finance the costs associated with such binding arbitration.

NOW THEREFORE BE IT RESOLVED that the San Bruno City Council hereby authorizes BAWSCA, acting through its Board of Directors, or its authorized designee, as its authorized representative to initiate, defend and settle arbitration for the matters that are subject to mandatory, binding arbitration in the Water Supply Agreement between the City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo County and Santa Clara County. This appointment shall continue through the term of the Agreement, as extended or renewed, or until revoked by the City Council.

Dated: July 8, 2014

ATTEST:

Carol Bonner, City Clerk

I, Carol Bonner, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 8th day of July 2014 by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers	_____
ABSENT:	Councilmembers:	_____



June 16, 2014

By Electronic and Regular Mail

Mr. Jim Ruane, Mayor
City of San Bruno
567 El Camino Real
San Bruno, CA 94066

Re: Request to Authorize BAWSCA to Initiate, Defend and Settle Arbitration Related to the Water Supply Agreement to Protect Your Agency's Financial Interests

Dear Mayor Ruane:

The City of San Bruno purchases water from the San Francisco Regional Water System (RWS) and is one of the 26 members of the Bay Area Water Supply and Conservation Agency (BAWSCA). In 2009, the City approved the Water Supply Agreement between San Francisco and the Wholesale Customers (WSA) as well as Amendment No. 1 to the WSA, in Spring of 2013, which prohibited changes to Hetch Hetchy Reservoir unless there is an amendment to the WSA.

As Chair of the BAWSCA Board, the agency that represents your interests and administers the WSA, **I am writing you today to request that your agency now consider delegating to the BAWSCA Board the authority to initiate, defend and settle arbitration related to the WSA.**

The BAWSCA Board of Directors directed me to request this delegation of authority at its May 15, 2014 meeting. This action will allow BAWSCA to protect the financial interests of the Wholesale Customers by ensuring they pay no more than their fair share of RWS costs. Delegation of this authority was specifically anticipated in the WSA (WSA Section 8.04(c)). To facilitate this action, enclosed is a sample resolution prepared by BAWSCA's Legal Counsel.

Scope of Arbitration Limited to Cost Allocation Issues.

The WSA requires that disputes related to the calculation of the capital and operating costs owed by the Wholesale Customers to San Francisco (the Wholesale Revenue Requirement) be resolved through mandatory binding arbitration. This requirement includes disputes related to San Francisco's adherence to accounting and auditing practices, as well as the classification of new assets for cost allocation. (WSA Section 8.01(A)) All other questions or disputes related to the WSA, such as water supply, may be presented to a court and are excluded from this request for delegated authority.

Since 1984, almost every financial dispute with San Francisco has been settled before resorting to arbitration. The Wholesale Customers have only filed a demand for arbitration in the early 1990s, on two related matters. The parties ultimately settled all issues, save one technical accounting issue, prior the arbitrator imposing a final determination.

Contract Administration Already Delegated to BAWSCA.

When the prior agreement, the 1984 Master Contract and Settlement Agreement (1984 Agreement) was negotiated, there was no durable, representative organization that could be delegated responsibility to act as agent for contract administration on behalf of the Wholesale Customers. BAWSCA's predecessor, the Bay Area Water Users Association (BAWUA), was at that point simply an unincorporated association, governed entirely by city and water agency staff. For that reason, the 1984 Agreement provided for initiation of arbitration as well as a variety of administrative decisions to be made by five "Suburban Representatives" -- agencies to be chosen by all BAWUA members or, absent a selection, the five largest agencies.

With BAWSCA's formation in 2002 and the adoption of the new WSA in 2009, the Wholesale Customers have had a superior alternative to attend to the many technical but important matters related to the contract administration which continue to require oversight and decisions each year. The WSA specifically assigned a number of administrative tasks to BAWSCA, most of which were previously handled by the Suburban Representatives. However, at the time the WSA was adopted, it did not specifically delegate arbitration authority to BAWSCA, although it recognized that the Wholesale Customers may choose to do so.

BAWSCA is Prepared to Assume Responsibility for Arbitration.

The BAWSCA Board believes that it is timely and appropriate to implement the delegation of arbitration authority that was provided for in the WSA. As a regional government agency, in existence for more than a decade, whose Board of Directors is comprised largely of elected officials, and with a capable professional staff, BAWSCA is both durable and well prepared to assume the increased responsibility required to determine whether to initiate or settle arbitration required under the WSA.

Since 1984, BAWSCA staff and consultants have demonstrated success in contract administration, uncovering more than \$27 million in credits owed to the Wholesale Customers. This delegated arbitration authority will not be exercised by BAWSCA in a vacuum. The Wholesale Customers each have representation on the BAWSCA Board of Directors through their individual representatives. In addition, the BAWSCA Chief Executive Officer (CEO) plans to create an advisory Wholesale Customer Committee, composed of senior staff of each agency, to advise the agency on these matters.

New Wholesale Customer Committee will be Created.

In a few days, the BAWSCA CEO, Nicole Sandkulla, will be sending a separate letter to your City Manager, to request appointment of an agency representative to a committee of Wholesale Customer representatives. A similar structure used during the negotiation of the WSA from 2006 to 2009 was very successful. Such a committee could also serve a useful purpose in resolving cost allocation issues that might require arbitration. For example, presently, BAWSCA is disputing how San Francisco is allocating costs related to certain power assets of the RWS.

The CEO's letter will identify who was appointed to the previous committee formed for contract negotiations. These persons, primarily City Managers, Finance Directors and water district General Managers, were kept informed of developments and provided input on agreement provisions. If an agency wishes to appoint a BAWSCA Board member, they can do so, but the committee must include less than a quorum of Board members to ensure it does not constitute a legislative body subject to the Brown Act.

Mr. Jim Ruane, Mayor
June 16, 2014
Page 3

Request to Adopt Attached Resolution.

I respectfully ask that your agency adopt a resolution delegating authority to the BAWSCA Board of Directors to initiate, defend, and settle arbitration related to the WSA. The accompanying resolution has been drafted to minimize the amount of editing needed to be suitable for your agency. However, your agency is free to modify it so that it is consistent with your agency's preferred format. In particular, the heading at the top of the first page and the layout of the material following the last "Resolved" clause may need to be tailored to match your traditional practice.

Please submit this resolution to your agency's governing body as soon as possible. It would be most helpful to have these resolutions adopted by **September 1, 2014**. The next possible date to determine whether or not to initiate arbitration on the disputed costs set forth above is September 30, 2014. Once adopted, please forward the resolution to Ms. Allison Schutte, BAWSCA's Legal Counsel.

If your legal counsel has any questions about the attached resolution, they are welcome to contact BAWSCA Legal Counsel at the address listed below:

Allison Schutte, Esq.
Hanson Bridgett, LLP
425 Market Street, 26th Floor
San Francisco, CA 94105

Email: aschutte@hansonbridgett.com
Tel: 415-995-5823

If you have any non-legal questions related to this issue, please contact Nicole Sandkulla, BAWSCA CEO, at nsandkulla@bawasca.org or at 650-349-3000.

Sincerely,



Irene O'Connell
Chair, BAWSCA Board of Directors

Enclosure: Sample Agency resolution

CC: *(Via Electronic Mail Only)*
Connie Jackson, City Manager
Klara Fabry, Public Service Dir., Water Management Representative
Nicole Sandkulla, CEO
Allison Schutte, Legal Counsel



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: July 8, 2014

TO: Honorable Mayor and City Council

FROM: Connie Jackson, City Manager

SUBJECT: Adopt Resolution Authorizing a Grant in the Amount of \$20,000 to the San Bruno Lions Club for the Volunteer Project to Complete Improvements at the Portola Performing Arts Center

BACKGROUND:

The Portola Performing Arts Center located at the Portola Elementary School was built approximately 40 years ago. This facility serves as one of the City's After School Adventures and Summer Camp sites. The Center is also used by the City for the delivery of contract classes and is made available for rental by community groups.

At the Regular City Council Meeting on April 8, 2014, the San Bruno Lions Club offered to make a specific list of repairs and improvements to the Portola Performing Arts Center as its 2014 community services project. The proposed work to be performed was:

- Replacement of all windows;
- Upgrade to lights and fixture;
- New kitchen tile counter, sink and faucet;
- Replacement of the heater vent pipe;
- Demolition and repair of the exterior brick chimney;
- Landscape clean-up; and,
- Exterior and interior painting.

The Lions Club identified the total estimated value of their time and materials when completed will be approximately \$30,000. The Club did not provide information about their costs for the work and no City financial contribution was requested other than a waiver of permit fees. The Club identified that the work would be completed as a community volunteer project and it would use qualified, licensed contractors and would secure the necessary City permits. All City insurance requirements would be verified and necessary permit-related inspections performed. In recognition of its contribution, the City would install a 9" x 12" bronze plaque at the entrance to the Portola Performing Arts Center recognizing the contribution of the San Bruno Lions Club. The City Council unanimously accepted the San Bruno Lions Club offer to make the repairs and improvements described above.

At the Regular City Council Meeting on June 24, 2014, the City Council considered a request from the San Bruno Lions Club to expand the scope of their project to include replacement of the building's roof which is well beyond its usable life. The Club also requested a financial grant from the City to assist in covering the costs of the overall project. No specific grant amount was identified. At this meeting, the City Council expressed conceptual approval of the Lion's Club grant request. The City Council requested staff return at a subsequent meeting with a recommended grant amount for its further consideration.

7.f.

DISCUSSION:

Although the grant request did not specify an amount, staff estimates that the cost of the materials to replace the roof and perform the other work could be approximately \$20,000.

Given the public purpose of the work to be performed, providing a City grant to the Lion's Club is permissible under State law. If approved, the grant would be provided to the Lions Club prior to the commencement of the work. At the completion of the project, the City would receive from the Lions Club a reconciliation of its actual materials costs to deliver the repairs and improvements to ensure the full amount of the grant had been expended to make the list of approved improvements.

FISCAL IMPACT:

The San Bruno Lions Club is requesting a grant to purchase materials to make a list of repairs and improvements to the Portola Performing Arts Center, including a new roof. Funding for the grant would come from the fund balance of the General Fund.

ALTERNATIVES:

1. Do not proceed with the repairs and improvements at the Portola Performing Arts Center and do not provide a grant to the Lions Club.
2. Proceed with some of the repairs and improvements at the Portola Performing Arts Center and provide less grant funding to the Lions Club.
3. Request the San Bruno Lions Club perform alternative improvements.

RECOMMENDATION:

Adopt resolution authorizing a grant in the amount of \$20,000 to the San Bruno Lions Club for the volunteer project to complete improvements at the Portola Performing Arts Center.

DISTRIBUTION:

San Bruno Lions Club

ATTACHMENTS:

1. Resolution
2. April 8, 2014 Staff Report
3. June 13, 2014 Letter from the San Bruno Lions Club
4. June 24, 2014 Staff Report

DATE PREPARED:

June 26, 2014

RESOLUTION NO. 2014-

**RESOLUTION AUTHORIZING A GRANT IN THE AMOUNT OF \$20,000
TO THE SAN BRUNO LIONS CLUB FOR THE VOLUNTEER PROJECT
TO COMPLETE IMPROVEMENTS AT THE PORTOLA PERFORMING ARTS CENTER**

WHEREAS, the Portola Performing Arts Center was built over 40 years ago and is the home to many after school and enrichment programs;

WHEREAS, the roof is deteriorated and in need of a full replacement;

WHEREAS, in recognition of the use of this facility, the San Bruno Lions Club has offered to make specific improvements to the facility including window replacement, light fixture replacement, kitchen upgrade, landscape clean up and interior and exterior painting as a community service project using licensed contractors;

WHEREAS, the Lions Club has further proposed to provide full replacement of the Portola Performing Arts building roof which is deteriorating and in need of attention;

WHEREAS, the Lions Club is requesting a grant to assist covering costs associated with the Portola Performing Arts Center building improvements;

WHEREAS, the Lions Club estimates the total value of their time and the materials for the work, excluding roof replacement to be approximately \$30,000; and,

WHEREAS, a grant in the amount of \$20,000 would make a reasonable contribution to the overall cost of materials for the project;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of San Bruno authorizes a grant in the amount of \$20,000 to the San Bruno Lions Club to complete repairs and improvements at the Portola Performing Arts Center.

—oOo—

I hereby certify the foregoing Resolution No. _____ was introduced and adopted by the San Bruno City Council at a regular meeting on July 8, 2014 by the following vote:

AYES:

NOES:

ABSENT:

Carol Bonner, City Clerk



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: April 8, 2014

TO: Honorable Mayor and City Council

FROM: Kerry Burns, Interim Community Services Director
Danielle Brewer, Community Services Superintendent

SUBJECT: Adopt Resolution Accepting a Donation from San Bruno Lions Club for Labor and Materials to Make Improvements to Portola Performing Arts Center in the Amount of Approximately \$30,000

BACKGROUND:

Built approximately 40 years ago, the Portola Performing Arts Center located at the Portola Elementary School serves as one of the City's After School Adventures and Summer Camp sites. The Center is also used by the City for the delivery of contract classes and is made available for rental by community groups. The roof at the Portola Performing Arts Center is 20 years old and is experiencing dry rot, causing roof material failure and leaks. Funding for the roof's replacement in the amount of \$20,000 was provided as part of the Fiscal Year 2013-14 Capital Improvement Program Budget. A contractor will be selected in a manner consistent with the City's bidding procedures, and the replacement of the roof is scheduled to occur within the next three months.

Solely for the purpose of developing a budget estimate, local roofing contractor C&J Roofing was contacted by the City. The owner of C&J Roofing is a member of the San Bruno Lions Club. After touring the Center, the owner of C&J Roofing proposed to the San Bruno Lions Club making improvements to the Portola Performing Arts Center as the Club's 2014 community service project. The Club agreed and on March 19, 2014, the San Bruno Lions Club made a presentation before the City's Parks and Recreation Commission. The Commission is unanimously recommending to the City Council the San Bruno Lions Club make the proposed improvements to the Portola Performing Arts Center.

DISCUSSION:

The San Bruno Lions Club would like to make specific improvements to the Portola Performing Arts Center as its 2014 community services project. This would be the Club's second recent community project, having provided a new roof, electrical working new paint at the Beckner Picnic Shelter in 2013. The proposed work to be performed by the San Bruno Lions Club at the Portola Performing Arts Center would be:

- Replacement of all windows;
- Upgrade to lights and fixture;
- New kitchen tile counter, sink and faucet;

- Replacement of the heater vent pipe;
- Demolition and repair of the exterior brick chimney;
- Landscape clean-up; and,
- Exterior and interior painting.

The total estimated value of the work is approximately \$30,000. Qualified, licensed contractors will secure the necessary City permits and perform the work. All City insurance requirements will be verified and necessary permit-related inspections performed.

Consistent with the Rotary Club's recognition at Rotary Pavilion and the Lions Club's recognition at the Beckner Picnic Shelter, it is recommended a 9" x 12" bronze plaque be installed at the entrance to the Portola Performing Arts Center to recognizing the contribution of the San Bruno Lions Club.

FISCAL IMPACT:

Accepting the donation of labor and materials to make the improvements to the Portola Performing Arts Center discussed in this report will eliminate the need for a City expenditure for these improvements and does not require any City matching financial assistance. Funding for the purchase of the bronze recognition plaque would come from existing financial resources contained in the Community Services Department operating budget.

ALTERNATIVES:

1. Do not accept the donation and direct staff to include the project in a future Capital Improvement Budget for City Council consideration at that time.
2. Modify the list of improvements to be completed.
3. Request the San Bruno Lions Club to perform an alternative list of improvements.

RECOMMENDATION:

Adopt a Resolution accepting a donation from San Bruno Lions Club for labor and materials to make improvements to Portola Performing Arts Center in the amount of approximately \$30,000.

DISTRIBUTION:

None.

ATTACHMENTS:

None.

DATE PREPARED:

March 27, 2014

REVIEWED BY:

_____ CM



San Bruno Lions Club
2013-2014
Lions Clubs International

June 13, 2014

Alan Hafter
President

Brian Rogers
1st Vice President

Greg Pierce
2nd Vice President

Rick Dimitroff
Immed. Past President

Kathryn Marinos
Secretary

Mario Benavente
Treasurer

Charles Smith
Membership Chair

Frank Rescino
Tail Twister

Dora Bergman
Lion Tamer

Coz Giannoulis
Y and C Advisor

Ken Ibarra, PDG
Growl Editor

1-Year Directors
Dave Bennett
Peter Carey
Harry Costa
Vincent Solano
Larry Verna

2-Year Directors
Tom Fernandez
John Giuseponi
Steve Kelly
Tom Lara
Katie Scott

Connie Jackson, City Manager
City of San Bruno
567 El Camino Real
San Bruno, CA 94066

Re: Portola Performing Arts Center

Ms. Jackson:

For over 70 years, the San Bruno Lions Club has been a strong supporter for numerous needs and causes throughout the community and beyond. Each year we raise funds to financially assist community programs and projects for youth and adults, schools and organizations, aid individuals and families, host community events, and contribute to various health and humanitarian projects.

It has been our pleasure and privilege to partner with the City in the effort to improve facilities for our residents. We continue to be proud of our efforts to help improve the 4H Farm and more recently, Beckner Shelter in City Park. Our membership has grown as a direct result of these projects, and we are anxious to continue.

As was presented and approved by the City Council in April, the San Bruno Lions have proposed to provide significant improvements to the Portola Performing Arts Center, including window replacement, upgrading the lighting, replacing fixtures, and painting the interior and exterior. In addition, we are prepared to fully replace the roofing of the building including any uncovered damages. As stated in the previous City staff report, the estimated value of the work is about \$30,000 (not including the roof), and qualified, licensed contractors will secure the necessary permits and perform the work. All insurance requirements will be verified and satisfied.

As much as we are thankful for the opportunity to renovate the Portola Performing Arts Center, we are not without costs in providing the labor and materials. With the addition of the roof replacement to the scope of the work, we are requesting the City provide the Lions with a grant in order to supplement the increased project costs. In addition, we are requesting the waiver of all permit costs. We are grateful for the assistance and are confident that the completed project will be another proud accomplishment for the community.

Thank you for your time in considering this request. It is our intention to schedule the work prior to the new school year, depending on your decision and our member's availability.

Sincerely,

Lion Alan Hafter, President

Alan Hafter, President P.O. Box 242, San Bruno, CA 94066
Phone: (650) 678-6712 Email: alanh65@gmail.com

The San Bruno Lions Foundation is a tax-exempt 501c(3) organization. Tax ID Number 45-3360544



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: June 24, 2014

TO: Honorable Mayor and City Council

FROM: Kerry E. Burns, Community Services Director

SUBJECT: Adopt Resolution Providing a \$20,000 Grant to the San Bruno Lions Club for Specific Repairs and Improvements to the Portola Performing Arts Center

BACKGROUND:

Built approximately 40 years ago, the Portola Performing Arts Center located at the Portola Elementary School serves as one of the City's After School Adventures and Summer Camp sites. The Center is also used by the City for the delivery of contract classes and is made available for rental by community groups.

At the Regular City Council Meeting on April 8, 2014, the San Bruno Lions Club offered to make specific repairs and improvements to the Portola Performing Arts Center as its 2014 community services project. At that time, the proposed work to be performed was:

- Replacement of all windows;
- Upgrade to lights and fixture;
- New kitchen tile counter, sink and faucet;
- Replacement of the heater vent pipe;
- Demolition and repair of the exterior brick chimney;
- Landscape clean-up; and,
- Exterior and interior painting.

The total estimated value of the work is approximately \$30,000. No City financial contribution was requested other than a waiver of permit fees. Qualified, licensed contractors would be used by the Lions Club and the necessary City permits would be secured. All City insurance requirements would be verified and necessary permit-related inspections performed. In recognition of its contribution, the City would install a 9" x 12" bronze plaque at the entrance to the Portola Performing Arts Center recognizing the contribution of the San Bruno Lions Club.

The City Council unanimously accepted the San Bruno Lions Club offer to make the repairs and improvements described above.

DISCUSSION:

On June 13, 2014, the City received a letter from the San Bruno Lions Club offering to add to its scope of work at the Portola Performing Arts Center the replacement of the roof which is well beyond its usable life and in need of replacement. In consideration for the repairs and

improvements to be performed, the San Bruno Lions Club requested in its June 13, 2014 letter (attached) a grant from the City. This funding request does not specify a grant amount. However in discussions with the Lions Club since receiving the June 13, 2014 letter, representatives of the San Bruno Lions Club have clarified their grant request and are seeking \$20,000 in financial support from the City. Providing a City grant to the Lions Club of \$20,000 for the completion of the repairs and improvements is permissible under State law.

FISCAL IMPACT:

The San Bruno Lions Club is requesting a grant of \$20,000. Funding for this grant could come from unappropriated General Fund Reserves.

ALTERNATIVES:

1. Do not proceed with the repairs and improvements at the Portola Performing Arts Center and do not provide a grant to the Lions Club.
2. Proceed with the repairs and improvements at the Portola Performing Arts Center and provide a grant to the Lions Club in a greater or lesser amount.
3. Request the San Bruno Lions Club perform an alternative list of improvements and submit a revised grant request.

RECOMMENDATION:

Adopt a Resolution providing a grant to the San Bruno Lions Club for specific repairs and improvements to the Portola Performing Arts Center.

DISTRIBUTION:

None.

ATTACHMENTS:

April 8, 2014 Staff Report
June 13, 2014 Letter from the San Bruno Lions Club

DATE PREPARED:

June 19, 2014

REVIEWED BY:

_____ CM



STAFF REPORT

CITY OF SAN BRUNO

DATE: July 8, 2014
TO: Honorable Mayor and Members of the City Council
FROM: Klara A. Fabry, Public Services Director
SUBJECT: Adopt Resolution Authorizing a City Contribution Not to Exceed \$800,000 for Construction of the San Bruno Grade Separation Archway

BACKGROUND:

The Caltrain Joint Powers Board (JPB) commenced construction on the San Bruno Grade Separation project in late 2010. This project provides elevated train tracks above San Bruno Avenue, San Mateo Avenue, and Angus Avenue, provides three pedestrian underpasses and creates a new train station between San Bruno Avenue and San Mateo Avenue. The project will significantly improve safety and will reduce traffic congestion. The new elevated Caltrain station is located at San Bruno Avenue (between San Mateo Avenue and Huntington). A new decorative archway along the east side of the station will provide a signature aesthetic gateway into the community.

The City of San Bruno (City) and the JPB entered into a Memorandum of Understanding (MOU) in 2010 regarding the design and development of a decorative archway along the eastern side of the train tracks at San Bruno Avenue. Pursuant to the MOU, the City and the JPB agreed to share the cost of the archway design and retained the services of Field Paoli architects for this effort.

Several gateway design concepts for the Grade Separation Project were reviewed by the City Council. At the November 27, 2012 meeting, the City Council adopted a resolution accepting the Archway Design concept, directing JPB staff to make minor modifications to the presented design. The City Council adopted a resolution agreeing that the City would pay half of the cost of the Archway Construction at the January 22, 2013 meeting. The JPB has agreed to pay half of the cost as well. At its May 28, 2013 meeting, the City Council adopted a Resolution accepting the revised San Bruno Grade Separation Archway Design Concept.

DISCUSSION:

The revised Archway Design Concept as approved by the City Council includes the following elements:

- Simple Archway design (no brackets)
- "City of San Bruno" medallion located on the grade separation structure
- The exterior finish of the Archway in a brushed steel or painted in a green shade

As the final design and construction plans for the Archway have been developed, JPB staff has met with the Grade Separation Contractor, Granite Construction, to negotiate the construction cost of the Archway. The total cost of the Archway fabrication and installation as envisioned in

10.6.

the final design is \$1,600,000. The City and JPB previously agreed to equally fund the cost of the Archway design, construction and installation.

In 2013, JPB staff estimated the cost of the Archway to be \$1,208,000, with the City's contribution at \$604,000. This cost estimate assumed that the Archway would be fabricated and installed within the timeframe of the construction of the Grade Separation Project. As that project is now complete, the cost for construction mobilization and oversight has increased. Also, the design of the arch cladding has changed significantly since the 2013 cost estimate. The design was revised based on input from the Council subcommittee and staff to reduce the size of the gaps between the metal panels and hide the fasteners. The end result will be a higher quality archway that also results in higher fabrication cost.

FISCAL IMPACT:

The City and JPB have agreed to equally fund the cost of the San Bruno Grade Separation Archway design and construction. The City's share of the conceptual design was \$125,000 and the construction and installation cost to the City is \$800,000 for a total City cost of \$925,000. Funding for the project will be included for appropriation in the FY 2014-2019 Capital Improvement Program.

ALTERNATIVES:

1. Do not approve the increased contribution cost for the San Bruno Grade Separation Archway and delete the archway feature.
2. Reduce scope of project by reducing size of archway.

RECOMMENDATION:

Adopt resolution authorizing a City contribution not to exceed \$800,000 for construction of the San Bruno Grade Separation Archway.

DISTRIBUTION:

1. None

ATTACHMENTS:

1. Resolution

DATE PREPARED:

June 26, 2014

REVIEWED BY:

_____ CM

RESOLUTION NO. 2014 - ____

**ADOPT RESOLUTION AUTHORIZING A CITY CONTRIBUTION NOT TO EXCEED \$800,000
FOR CONSTRUCTION OF THE SAN BRUNO GRADE SEPARATION ARCHWAY**

WHEREAS, the Peninsula Corridor Joint Powers Board (JPB) has been working with the City of San Bruno (City) for several years on developing a grade separation project to improve safety of the Caltrain railroad crossings at San Bruno Avenue, San Mateo Avenue and Angus Avenue; and

WHEREAS, integrating an archway into a new grade-separated Caltrain station to make a positive statement about the San Bruno Downtown and Transit Corridor Area has been a long held objective of City and JPB; and

WHEREAS, the City and JPB entered into; a Memorandum of Understanding (MOU) regarding the development of the grade separation and the relocation of the train station; a Railroad Construction and Maintenance Agreement for the grade separation project; a Funding Agreement Regarding Preliminary Development of a Decorative Archway for the San Bruno Grade Separation Project Railroad Construction (Agreement); and jointly selected Field Paoli architects to develop the design concept; and

WHEREAS, the City and JPB have agreed to split evenly between the City and JPB, the cost to construct the Archway; and

WHEREAS, the City Council accepted the San Bruno Grade Separation Archway Design Concept at its May 28, 2013 meeting providing for a decorative gateway archway feature to be located along the east side of the grade separation overpass structure crossing over San Bruno Avenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes an increase to the City's contribution of the San Bruno Grade Separation Archway construction cost to an amount not to exceed \$800,000.

Dated: July 8, 2014

ATTEST:

Carol Bonner, City Clerk

I, Carol Bonner, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 8th day of July 2014 by the following vote:

AYES: Councilmembers: _____
NOES: Councilmembers: _____
ABSENT: Councilmembers: _____