



**"The City With a Heart"**

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

## **AGENDA – SPECIAL MEETING**

### **SAN BRUNO CITY COUNCIL**

**January 12, 2016**

**6:00 p.m.**

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

**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. CLOSED SESSION:**

- a. Public Employee Performance Evaluation Pursuant to Government Code Section 54957: City Manager.
- b. Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8  
Property: Parcel Nos. 020-013-250 and 020-013-260  
Agency Negotiator: City Manager  
Negotiating Parties: City of San Bruno and OTO Development, LLC  
Under Negotiations: Price and Terms of Payment

**5. CONDUCT OF BUSINESS:**

Conduct Interviews to Fill Vacancies Resulting from Resignations on the City of San Bruno's Bicycle & Pedestrian Advisory Committee, Citizens Crime Prevention Committee, Community Preparedness Committee and Parks and Recreation Commission.

**6. ADJOURNMENT:**

The next regular City Council Meeting will be held on January 12, 2016 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.



“The City With a Heart”

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## AGENDA SAN BRUNO CITY COUNCIL

January 12, 2016

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](http://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.

Thank the **San Bruno Garden Club** for providing the beautiful floral arrangement.

1. **CALL TO ORDER:**
2. **ROLL CALL/PLEDGE OF ALLEGIANCE:**
3. **ANNOUNCEMENTS:**
4. **PRESENTATIONS:**
5. **REVIEW OF AGENDA:**
6. **APPROVAL OF MINUTES:** Regular Council Meeting of December 8, 2015.
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.
  - a. **Approve:** Accounts Payable of November 30 and December 7, 2015.
  - b. **Approve:** Payroll of December 4 and December 18, 2015.
  - c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated November 30, 2015.
  - d. **Waive:** Second Reading and Adopt an Ordinance Amending Chapter 12.96.020 of Title 12 (Land Use) of the San Bruno Municipal Code to Change from Administrative and Research (A-R) District to Planned Development District (P-D) and to Adopt a Related District Development Plan to Establish Use and Development Standards for Property Identified as 841 San Bruno Avenue West.
  - e. **Adopt:** Resolution Accepting the Emergency Water Main Replacement for the Shelter Creek Condominiums 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 \$4,646.
  - f. **Accept:** Resignations from Senior Citizens Advisory Board Member and Citizens Crime Prevention Committee Member. Declare Vacancies and Direct the City Clerk to Initiate the Process for Appointment of a New Member.

**8. PUBLIC HEARING:**

- 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 agendized pursuant to State Law.

**10. CONDUCT OF BUSINESS:**

- a. Adopt Resolution Waiving the Competitive Bidding Process and Authorizing the City Manager to Execute a Contract with a Qualified Electrical Contractor for Emergency Replacement of Underground Electrical Wiring for the Crestmoor Neighborhood Streetlight System in the Amount Not to Exceed \$500,000 and Appropriating \$500,000 from the Capital Reserve Fund.
- b. Receive Report and Provide Direction Regarding Regulation of Exposure to Secondhand Smoke.
- c. Review and Make City Councilmember Assignments to City Council Subcommittees, as Liaisons to City Advisory Committees, Commissions and Boards and as Representatives on County and Regional Agencies.
- d. Receive Report and Provide Direction to Staff Regarding an Application for Funding to Establish a Downtown and Transit Stations Shuttle Service.
- e. Adopt Resolution Waiving the Competitive Bidding Process and Authorizing the City Manager to Execute a Contract in the Amount of \$159,949 with GameTime, a Preferred Supplier Partner of U.S. Communities, for the Replacement and Installation of the Play Structure at Commodore Park.
- f. Adopt Resolution Authorizing the City Manager to Execute a Contract for Preparation of the Groundwater Sustainability Plan Project with RMC Water and Environment in an Amount Not to Exceed \$118,903 and Appropriating \$7,500 from the Water Capital Fund.
- g. Adopt Resolutions Authorizing the City Manager to Submit Applications to the San Mateo County Transportation Authority Measure A Pedestrian and Bicycle Grant Program for:
  - El Camino Real/Crystal Springs Road Intersection Improvements
  - Tanforan Pedestrian Circulation Improvements Alternative Analysis
  - Huntington Avenue/San Antonio Avenue Connection Improvements
- h. Receive Oral Report from the City Clerk on her Attendance at the New Election Law Seminar.

**11. REPORT OF COMMISSIONS, BOARDS & COMMITTEES:**

**12. COMMENTS FROM COUNCIL MEMBERS:**

Receive Oral Report from Councilmember O'Connell on her Attendance at the Annual Pipeline Safety Trust Conference.

**13. CLOSED SESSION:**

**14. ADJOURNMENT:**

The next regular City Council Meeting will be held on January 26, 2016 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.



“The City With a Heart”

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

## MINUTES SAN BRUNO CITY COUNCIL

December 8, 2015

7:00 p.m.

**A Reception will be Held Immediately Following the Meeting to Recognize the Newly Elected Mayor and Councilmembers**

**1. CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met on December 8, 2015 at San Bruno's Senior Center, 1555 Crystal Springs Road, San Bruno, CA. The meeting was called to order at 7:00 p.m. **Mayor Ruane** thanked the garden club for the flower arrangement.

**2. ROLL CALL:**

Presiding was Mayor Ruane, Councilmembers Ibarra, Medina and O'Connell. Vice Mayor Salazar was excused with notice. **Katrina Brill** led the pledge of allegiance. Recording by City Clerk Bonner.

**3. ANNOUNCEMENTS:**

a. **Mayor Ruane** announced there will be not be a City Council Meeting on December 22, 2015, the fourth Tuesday in December. The next regular City Council Meeting will be held on January 12, 2016.

b. **Mayor Ruane** wished City Clerk Bonner a very happy birthday.

**4. PRESENTATIONS:** None.

**5. REVIEW OF AGENDA:**

**6. APPROVAL OF MINUTES:** Regular Council Meeting of November 10, 2015, approved as submitted.

**7. CONSENT CALENDAR:**

a. **Approve:** Accounts Payable of November 23, 2015.

b. **Approve:** Payroll of November 20, 2015.

c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated October 31, 2015.

d. **Receive:** Report and Adopt Resolution Accepting the Annual Status Report on the Receipt and Use of Development Impact Fees for the Year Ending June 30, 2015.

e. **Adopt:** Resolution Authorizing the City Manager to Negotiate a Joint Purchase Agreement in the Amount Not to Exceed \$619,000 for a Fire Engine and \$1,256,000 for a Tiller Truck.

**M/S Ibarra/O'Connell** to approve the Consent Calendar and passed with all eyes. Councilmember Salazar excused with notice.

## 8. PUBLIC HEARING:

Hold Public Hearing and Take the Following Actions to Approve the Medical/Office Project at 841 San Bruno Avenue and Associated Environmental Determinations:

1. Waive First Reading and Introduce an Ordinance Amending Chapter 12.96.120 of Title 12 (Land Use) of the San Bruno Municipal Code to Change from Administrative and Research (A-R) District to Planned Development District (P-D) and to Adopt a Related District Development Plan to Establish Use and Development Standards for Property Identified as 841 San Bruno Avenue West.

2. Adopt a Resolution Approving a Planned Development Permit and an Architectural Review Permit to Ensure that the Proposed Development Conforms to the Provisions of the District Development Plan.

**Community Development Director Woltering** gave an overview of the staff report.

**Councilmember Ibarra** asked about the questions posed from the Architectural Review Committee and Planning Commission and asked if we received a review from our design consultant on this. **Woltering** said the Architectural Review Committee and Planning Commission had a number of questions, one of which they were looking at the tower elements and elevation as viewed from El Camino Real and San Bruno Ave. and they were trying to decide what should be placed on that tower element. He said they favored a flat roof which would best match the design of the building. They also asked about the southern side of the building and that attractive treatments be placed there. He said they felt it would be favorable to have an interior vestibule because of the weather elements with a double entry to protection. They also wanted to see foundation planting.

**Councilmember Ibarra** asked if there was any questions about the architecture and color pallet. **Woltering** said the architecture was designed to offset the buildings. He said they felt the colors would provide interest and would keep within the design guidelines of the transit corridor plan.

**Mayor Ruane** opened the public hearing.

**Charles Smyth, Market Street Development** thanked the Council for the opportunity to build on this site.

**M/S Medina/Ibarra** to close the public hearing and passed with all ayes. **Vice Mayor Salazar** excused with notice.

**Councilmember O'Connell** said she had some questions she would like addressed at a separate time, design related. **City Manager Jackson** said that could be done.

**Councilmember Ibarra** said it was a very handsome building and it does not look like a medical office building.

**M/S Ibarra/O'Connell** to waive the first reading and passed with all ayes. **Vice Mayor Salazar** excused with notice.

**Councilmember Ibarra** introduced the ordinance and passed with a unanimous vote. **Vice Mayor Salazar** excused with notice.

**Councilmember Ibarra** introduced the resolution and passed with a unanimous vote. **Vice Mayor Salazar** excused with notice.

**9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:**

**Robert Riechel, 7<sup>th</sup> Ave.**, reported the San Mateo County History Museum at 2200 Broadway in Redwood City will open a new exhibit about the fight to free the Peninsula of mosquitoes entitled Fight the bite. The exhibit will run January 12 through April 10.

**Carolyn Livengood, Cheryl Dr.** said this Saturday at Golden Gate Cemetery at 8:45 a.m. there will be a Wreaths Across America ceremony.

**Dr. Nancy Landauer, Linden Ave.** thanked the City for going forward with the new hotel and asked when more information might be available. **Mayor Ruane** said the financial aspects will be voted on in the first meeting of January. City Manager Jackson said the project is scheduled to go before the Planning Commission the third week in January so it is not currently scheduled for the first Council meeting in January.

**10. CONDUCT OF BUSINESS:**

a. Adopt Resolution of the City Council of the City of San Bruno, California, Reciting the Facts of the General Municipal Election Held on November 3, 2015, Declaring the Results and Such Other Matters as Provided by Law.

**Clerk Bonner** gave an overview of the results of the General Election and asked for questions.

b. Administer Oath of Office to Newly Elected Members of the City Council.

**Clerk Bonner** administered the oath of office to newly elected Councilmember Marty Medina, re-elected Councilmember Irene O’Connell and re-elected Mayor Ruane. Each of the recipients thanked everyone and shared their visions and aspirations for their future in office.

c. Confirm Appointment of Vice Mayor to Serve a One-Year Term.

**Mayor Ruane** confirmed the appointment of Marty Medina as the next Vice Mayor of San Bruno, to serve a one-year term.

**11. REPORT OF COMMISSIONS, BOARDS & COMMITTEES:** None.

**12. COMMENTS FROM COUNCIL MEMBERS:** None.

**13. CLOSED SESSION:** None.

**14. ADJOURNMENT:**

**Mayor Ruane** closed the meeting at 7:45 p.m. The next regular City Council Meeting will be held on January 22, 2016 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  
January 22, 2015

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Carol Bonner, City Clerk

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Jim Ruane, Mayor

11/30/15

CITY OF SAN BRUNO  
WARRANT REGISTER  
TOTAL FUND RECAP

| FUND               | FUND NAME              | AMOUNT       |
|--------------------|------------------------|--------------|
| 001                | GENERAL FUND           | \$31,423.80  |
| 121                | FEDERAL/STATE GRANTS   | \$3,399.59   |
| 132                | AGENCY ON AGING        | \$5,678.86   |
| 190                | DISASTER RECOVERY FUND | \$65.67      |
| 611                | WATER FUND             | \$4,681.25   |
| 621                | STORMWATER FUND        | \$240.03     |
| 631                | WASTEWATER FUND        | \$221,263.31 |
| 641                | CABLE TV FUND          | \$9,096.56   |
| 701                | CENTRAL GARAGE         | \$4,563.38   |
| 702                | FACILITY MAINT. FUND   | \$6,907.35   |
| 707                | TECHNOLOGY DEVELOPMENT | \$113.26     |
| TOTAL FOR APPROVAL |                        | \$287,433.06 |

HONORABLE MAYOR AND CITY COUNCIL:

THIS IS TO CERTIFY THAT THE CLAIMS LISTED ON PAGES NUMBERED FROM 1 THROUGH 2 INCLUSIVE, AND/OR CLAIMS NUMBERED FROM 158684 THROUGH 158762 INCLUSIVE, TOTALING IN THE AMOUNT OF \$287,433.06 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,

*Angela Knaetsch* 12-1-15  
FINANCE DIRECTOR DATE

Document group: komalley Bank: apbank 05507660

| Vendor Code & Name                                | Check # | Check Date | Amount     |
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| 0000368 ABCO PRINTERS                             | 158684  | 11/30/2015 | 1,267.30   |
| 0104445 AIR & TOOL ENGINEERING CO.                | 158685  | 11/30/2015 | 3,399.59   |
| 0001170 AIRGAS USA, LLC                           | 158686  | 11/30/2015 | 71.07      |
| 0000163 AIRPORT AUTO PARTS INC.                   | 158687  | 11/30/2015 | 111.20     |
| 0096332 ALAN MASAMI HIMURO                        | 158716  | 11/30/2015 | 695.00     |
| 0102355 AMAZON                                    | 158688  | 11/30/2015 | 708.92     |
| 0000096 AMERICAN LIBRARY ASSOCIATION              | 158689  | 11/30/2015 | 55.00      |
| 0096113 AR AUTO GLASS                             | 158691  | 11/30/2015 | 575.00     |
| 0106199 ARAGON VETERINARY CLINIC                  | 158692  | 11/30/2015 | 350.40     |
| 0001202 ARAMARK UNIFORM SERVICES                  | 158693  | 11/30/2015 | 1,275.95   |
| 0104899 ASSOCIATE PARTNERS                        | 158694  | 11/30/2015 | 995.00     |
| 0017191 AT&T                                      | 158695  | 11/30/2015 | 2,045.56   |
| 0018583 AT&T MOBILITY                             | 158696  | 11/30/2015 | 63.02      |
| 0000345 BAKER & TAYLOR BOOKS                      | 158697  | 11/30/2015 | 1,241.60   |
| 0104016 BANK OF SACRAMENTO                        | 158698  | 11/30/2015 | 8,481.00   |
| 0105988 BRENDAN POWER                             | 158741  | 11/30/2015 | 128.18     |
| 0018650 CALIFORNIA PARK& RECREATION SOCIETY(CPRS) | 158744  | 11/30/2015 | 170.00     |
| 0098281 CANDACE WHOOLEY                           | 158761  | 11/30/2015 | 75.00      |
| 0017843 CENTRAL COUNTY FIRE DEPT.                 | 158702  | 11/30/2015 | 2,995.22   |
| 0016324 CINTAS CORPORATION                        | 158704  | 11/30/2015 | 145.61     |
| 0013595 CITY OF SAN BRUNO                         | 158705  | 11/30/2015 | 959.23     |
| 0000508 CLEARLITE TROPHIES                        | 158706  | 11/30/2015 | 218.00     |
| 0015857 COUNTY OF SAN MATEO                       | 158707  | 11/30/2015 | 1,914.38   |
| 0106211 ED BARBERINI                              | 158699  | 11/30/2015 | 36.00      |
| 0106139 ERC WIPING PRODUCTS, INC.                 | 158708  | 11/30/2015 | 88.15      |
| 0001782 FLOWERS ELECTRIC & SVC.CO.INC.            | 158709  | 11/30/2015 | 2,113.04   |
| 0092077 FRANKLIN VIVES                            | 158760  | 11/30/2015 | 75.00      |
| 0014910 G & M AUTO BODY                           | 158711  | 11/30/2015 | 1,350.97   |
| 0095966 GREATAMERICA FINANCIAL SVCS.              | 158712  | 11/30/2015 | 289.31     |
| 0096837 GYM DOCTORS                               | 158714  | 11/30/2015 | 100.00     |
| 0105450 IGOR ITKIN                                | 158718  | 11/30/2015 | 75.00      |
| 0000581 IRVINE & JACHENS INC.                     | 158717  | 11/30/2015 | 263.78     |
| 0093514 JANE LEE                                  | 158719  | 11/30/2015 | 125.00     |
| 0096139 JEFFREY FORNESI                           | 158710  | 11/30/2015 | 75.00      |
| 0102033 JESSICA BEANE                             | 158701  | 11/30/2015 | 75.00      |
| 0105783 JOSEPH CERVANTES                          | 158703  | 11/30/2015 | 337.70     |
| 0100959 JOYCE GULICK                              | 158713  | 11/30/2015 | 75.00      |
| 0017947 KEVIN MCMULLAN                            | 158725  | 11/30/2015 | 192.00     |
| 0104424 LIDIA'S ITALIAN DELICACIES                | 158721  | 11/30/2015 | 4,912.50   |
| 0091101 LIEBERT CASSIDY WHITMORE                  | 158722  | 11/30/2015 | 56.00      |
| 0106107 MCGUIRE AND HESTER                        | 158724  | 11/30/2015 | 161,119.72 |
| 0016041 METROMOBILE COMMUNICATIONS                | 158726  | 11/30/2015 | 134.27     |
| 0104481 MICHAEL MATTIAS                           | 158723  | 11/30/2015 | 128.09     |
| 0016863 MIDWEST TAPE, LLC                         | 158727  | 11/30/2015 | 34.18      |
| 0096800 MOBILE CALIBRATION SVCS. LLC              | 158728  | 11/30/2015 | 194.08     |
| 0000333 MOSS RUBBER & EQUIP. CORP.                | 158729  | 11/30/2015 | 473.83     |
| 0000357 NATIONAL CABLE TV CO-OP, INC.             | 158730  | 11/30/2015 | 2,135.70   |
| 0100335 NATIONAL PLANT SERVICES INC.              | 158731  | 11/30/2015 | 51,192.00  |
| 0092263 OFFICE DEPOT INC                          | 158732  | 11/30/2015 | 689.07     |
| 0000210 OLE'S CARBURETOR &ELECTRIC INC            | 158733  | 11/30/2015 | 538.79     |
| 0001292 ORCHARD BUSINESS/SYNCB                    | 158734  | 11/30/2015 | 787.37     |
| 0000012 PACIFIC GAS & ELECTRIC                    | 158735  | 11/30/2015 | 2,531.34   |
| 0106110 PACIFIC OFFICE AUTOMATION                 | 158736  | 11/30/2015 | 579.60     |

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| 0001154 PENINSULA LIBRARY SYSTEM              | 158737  | 11/30/2015          | 68.85             |
| 0106269 PENINSULA PET RESORT INC.             | 158738  | 11/30/2015          | 529.20            |
| 0015163 PENINSULA SPORTS OFFICIALS ASSOC.INC. | 158751  | 11/30/2015          | 648.00            |
| 0106229 PET FOOD EXPRESS                      | 158739  | 11/30/2015          | 173.25            |
| 0106318 POMS LANDSCAPING, INC.                | 158740  | 11/30/2015          | 9,328.00          |
| 0105836 PRIMETIME PAPER & PROMOTIONS          | 158742  | 11/30/2015          | 261.60            |
| 0104869 PURSUIT NORTH                         | 158743  | 11/30/2015          | 493.38            |
| 0090749 RED WING SHOE STORE                   | 158745  | 11/30/2015          | 1,058.32          |
| 0016729 RICOH AMERICAS CORPORATION            | 158746  | 11/30/2015          | 328.19            |
| 0106086 ROB HENSEL, JR.                       | 158715  | 11/30/2015          | 146.26            |
| 0092788 ROMARICO ANICETE                      | 158690  | 11/30/2015          | 75.00             |
| 0018839 RYAN JOHANSEN                         | 158747  | 11/30/2015          | 204.01            |
| 0018461 SERRAMONTE FORD, INC.                 | 158749  | 11/30/2015          | 194.50            |
| 0103732 SFO MEDICAL CLINIC                    | 158750  | 11/30/2015          | 585.00            |
| 0092258 ST. ROBERT'S SCHOOL                   | 158752  | 11/30/2015          | 275.00            |
| 0102991 STEVE SALAZAR                         | 158748  | 11/30/2015          | 276.18            |
| 0105796 SUNRISE FOOD DISTRIBUTOR INC.         | 158753  | 11/30/2015          | 559.25            |
| 0017802 SUPPLYWORKS                           | 158754  | 11/30/2015          | 1,638.44          |
| 0096932 TASC                                  | 158755  | 11/30/2015          | 308.06            |
| 0103559 THE MLB NETWORK, LLC                  | 158756  | 11/30/2015          | 1,876.32          |
| 0000783 UNION BANK OF CALIFORNIA N.A.         | 158757  | 11/30/2015          | 875.00            |
| 0102744 UNIVERSAL BUILDING SERVICES           | 158758  | 11/30/2015          | 4,582.00          |
| 0095749 VERIZON WIRELESS                      | 158759  | 11/30/2015          | 3,510.53          |
| 0093894 VERONICA BAUME                        | 158700  | 11/30/2015          | 75.00             |
| 0095118 VINCENT LEW                           | 158720  | 11/30/2015          | 225.00            |
| 0105985 ZOLTAN DESIGN, LLC                    | 158762  | 11/30/2015          | 420.00            |
|   |         | <b>GrandTotal:</b>  | <b>287,433.06</b> |
|   |         | <b>Total count:</b> | <b>79</b>         |

12/07/15

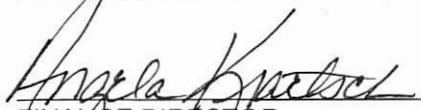
CITY OF SAN BRUNO  
WARRANT REGISTER  
TOTAL FUND RECAP

| FUND               | FUND NAME                    | AMOUNT         |
|--------------------|------------------------------|----------------|
| 001                | GENERAL FUND                 | \$500,305.43   |
| 003                | ONE-TIME REVENUE             | \$684.32       |
| 121                | FEDERAL/STATE GRANTS         | \$236.26       |
| 132                | AGENCY ON AGING              | \$3,091.35     |
| 133                | RESTRICTED DONATIONS         | \$147.16       |
| 190                | DISASTER RECOVERY FUND       | \$195,008.21   |
| 201                | PARKS AND FACILITIES CAPITAL | \$1,552.50     |
| 207                | TECHNOLOGY CAPITAL           | \$18,466.18    |
| 611                | WATER FUND                   | \$1,611,427.29 |
| 621                | STORMWATER FUND              | \$12,301.31    |
| 631                | WASTEWATER FUND              | \$824,096.82   |
| 641                | CABLE TV FUND                | \$337,894.82   |
| 701                | CENTRAL GARAGE               | \$40.53        |
| 702                | FACILITY MAINT. FUND         | \$17,574.38    |
| 703                | GENERAL EQUIPMENT REVOLVING  | \$124,693.48   |
| 707                | TECHNOLOGY DEVELOPMENT       | \$6,031.60     |
| 711                | SELF INSURANCE               | \$11,806.64    |
| 880                | PROJECT DEVELOP. TRUST       | \$5,490.00     |
| TOTAL FOR APPROVAL |                              | \$3,670,848.28 |

HONORABLE MAYOR AND CITY COUNCIL:

THIS IS TO CERTIFY THAT THE CLAIMS LISTED ON PAGES NUMBERED FROM 1 THROUGH 2 INCLUSIVE, AND/OR CLAIMS NUMBERED FROM 158763 THROUGH 158857 INCLUSIVE, TOTALING IN THE AMOUNT OF \$3,670,848.28 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      12-9-15  
DATE

Document group: komalley Bank: apbank 05507660

| Vendor Code & Name                           | Check # | Check Date | Amount       |
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| 0104680 ACCESS 24 COMMUNICATIONS INC.        | 158763  | 12/7/2015  | 380.15       |
| 0099263 ADELA NUNEZ                          | 158820  | 12/7/2015  | 400.00       |
| 0106027 ADVANCED TECHNICAL SOLUTIONS, INC.   | 158846  | 12/7/2015  | 662.73       |
| 0001170 AIRGAS USA, LLC                      | 158764  | 12/7/2015  | 142.85       |
| 0000163 AIRPORT AUTO PARTS INC.              | 158765  | 12/7/2015  | 9.47         |
| 0001965 ARISTA BUSINESS                      | 158766  | 12/7/2015  | 49.31        |
| 0000345 BAKER & TAYLOR BOOKS                 | 158767  | 12/7/2015  | 2,052.73     |
| 0015628 BAY AREA TREE CO., INC.              | 158769  | 12/7/2015  | 1,325.00     |
| 0017361 BOETHING TREELAND FARMS, INC.        | 158770  | 12/7/2015  | 98.10        |
| 0102737 BURKE, WILLIAMS & SORENSEN,LLP       | 158771  | 12/7/2015  | 684.32       |
| 0096798 BUSINESS PRODUCTS & SUPPLIES         | 158772  | 12/7/2015  | 1,265.22     |
| 0018378 CALIFA GROUP                         | 158773  | 12/7/2015  | 75.00        |
| 0102989 CALIFORNIA DIESEL & POWER            | 158774  | 12/7/2015  | 2,425.00     |
| 0106106 CBT NUGGETS, LLC                     | 158775  | 12/7/2015  | 2,988.00     |
| 0017843 CENTRAL COUNTY FIRE DEPT.            | 158776  | 12/7/2015  | 13,915.20    |
| 0016324 CINTAS CORPORATION                   | 158777  | 12/7/2015  | 820.56       |
| 0016324 CINTAS CORPORATION                   | 158778  | 12/7/2015  | 411.92       |
| 0000060 CITY OF MILLBRAE                     | 158779  | 12/7/2015  | 466.00       |
| 0000386 CITY OF SOUTH SAN FRANCISCO          | 158780  | 12/7/2015  | 813,564.48   |
| 0015857 COUNTY OF SAN MATEO                  | 158781  | 12/7/2015  | 76.00        |
| 0017926 COUNTY OF SAN MATEO                  | 158782  | 12/7/2015  | 330,696.00   |
| 0105811 CSAC EXCESS INSURANCE AUTHORITY      | 158785  | 12/7/2015  | 12,647.44    |
| 0101178 DISCOUNT PLUMBING                    | 158783  | 12/7/2015  | 6,125.00     |
| 0000198 EBSCO SUBSCRIPTION SVCS.             | 158784  | 12/7/2015  | 8,395.69     |
| 0013714 FIRST NATIONAL BANK                  | 158786  | 12/7/2015  | 23,648.71    |
| 0001782 FLOWERS ELECTRIC & SVC.CO.INC.       | 158787  | 12/7/2015  | 120.00       |
| 0018117 FLYERS ENERGY, LLC                   | 158788  | 12/7/2015  | 9,021.71     |
| 0102869 FRANCHISE TAX BOARD                  | 158789  | 12/7/2015  | 50.00        |
| 0106327 FRED THAYER CARPETS                  | 158790  | 12/7/2015  | 16,500.00    |
| 0018272 GALE/CENGAGE LEARNING                | 158791  | 12/7/2015  | 34.27        |
| 0105960 GARRATT CALLAHAN                     | 158792  | 12/7/2015  | 3,632.94     |
| 0018842 GBH POLYGRAPH SERVICES               | 158793  | 12/7/2015  | 250.00       |
| 0016813 GEORGE PEONIS                        | 158827  | 12/7/2015  | 604.00       |
| 0104135 GLOBAL TRACKING COMMUNICATIONS, INC. | 158850  | 12/7/2015  | 89.97        |
| 0017454 GOLDEN STATE FLOW MEASUREMENT        | 158794  | 12/7/2015  | 1,511,850.38 |
| 0000162 GRAINGER                             | 158795  | 12/7/2015  | 149.60       |
| 0106330 GRANICUS, INC.                       | 158796  | 12/7/2015  | 14,027.00    |
| 0000541 GRANITE ROCK COMPANY                 | 158797  | 12/7/2015  | 379.46       |
| 0017900 GREAT LAKES DATA SYSTEMS INC         | 158798  | 12/7/2015  | 2,471.94     |
| 0095966 GREATAMERICA FINANCIAL SVCS.         | 158799  | 12/7/2015  | 404.33       |
| 0096837 GYM DOCTORS                          | 158800  | 12/7/2015  | 125.00       |
| 0001786 IN DEMAND-NYC                        | 158801  | 12/7/2015  | 7,480.00     |
| 0099054 INTERSTATE TRS FUND                  | 158802  | 12/7/2015  | 1,218.40     |
| 0098964 JARVIS,FAY,DOPORTO&GIBSON, LLP       | 158803  | 12/7/2015  | 456.00       |
| 0103342 JMB CONSTRUCTION, INC.               | 158804  | 12/7/2015  | 125,197.32   |
| 0104958 JOE ROBERTS                          | 158837  | 12/7/2015  | 1,000.00     |
| 0001846 JOHN WHITLINGER                      | 158857  | 12/7/2015  | 139.20       |
| 0000771 JT2 INTEGRATED RESOURCES             | 158806  | 12/7/2015  | 11,806.64    |
| 0000075 K-119 TOOLS OF CALIFORNIA INC.       | 158807  | 12/7/2015  | 435.95       |
| 0018050 KAISER FOUNDATION HEALTH PLAN        | 158808  | 12/7/2015  | 4,239.99     |
| 0000132 KELLY-MOORE PAINT CO INC.            | 158809  | 12/7/2015  | 114.74       |
| 0000317 L.N. CURTIS & SONS                   | 158810  | 12/7/2015  | 1,329.80     |
| 0018561 LANCE BAYER                          | 158811  | 12/7/2015  | 1,125.00     |

Document group: komalley Bank: apbank 05507660

| Vendor Code & Name                               | Check # | Check Date | Amount     |
|--|---------|------------|------------|
| 0106329 LARRY BARBIERI                           | 158768  | 12/7/2015  | 1,000.00   |
| 0017026 LYNX TECHNOLOGIES, INC.                  | 158812  | 12/7/2015  | 4,030.00   |
| 0106302 MATTHEW JONES                            | 158805  | 12/7/2015  | 5,792.50   |
| 0102770 METLIFE                                  | 158813  | 12/7/2015  | 350.46     |
| 0000027 MEYERS   NAVE PROFESSIONAL LAW           | 158814  | 12/7/2015  | 58,216.07  |
| 0000333 MOSS RUBBER & EQUIP. CORP.               | 158815  | 12/7/2015  | 410.96     |
| 0104730 MUNICIPAL EMERGENCY SERVICES             | 158816  | 12/7/2015  | 45,063.60  |
| 0000357 NATIONAL CABLE TV CO-OP, INC.            | 158817  | 12/7/2015  | 241,498.06 |
| 0096553 NEW RESOURCES GROUP, INC.                | 158818  | 12/7/2015  | 257.28     |
| 0103301 NHL NETWORK US, LP                       | 158819  | 12/7/2015  | 771.84     |
| 0092263 OFFICE DEPOT INC                         | 158821  | 12/7/2015  | 4,048.37   |
| 0018284 OFFICEMAX INC.                           | 158822  | 12/7/2015  | 120.77     |
| 0018519 OFFICETEAM                               | 158823  | 12/7/2015  | 291.84     |
| 0103933 OWEN EQUIPMENT SALES                     | 158824  | 12/7/2015  | 16,243.28  |
| 0000012 PACIFIC GAS & ELECTRIC                   | 158825  | 12/7/2015  | 64,225.35  |
| 0106156 PENGUIN RANDOM HOUSE LLC                 | 158826  | 12/7/2015  | 44.96      |
| 0018130 PITNEY BOWES INC.                        | 158829  | 12/7/2015  | 370.58     |
| 0106097 PMC                                      | 158830  | 12/7/2015  | 18,730.00  |
| 0000071 R & B COMPANY                            | 158832  | 12/7/2015  | 5,895.04   |
| 0094546 RECORDED BOOKS, INC.                     | 158833  | 12/7/2015  | 34.32      |
| 0104548 RENNE SLOAN HOLTZMAN SAKAI LLP           | 158834  | 12/7/2015  | 2,416.30   |
| 0102961 REY PERKINS                              | 158828  | 12/7/2015  | 87.19      |
| 0017987 RISO, INC.                               | 158836  | 12/7/2015  | 214.84     |
| 0018889 SAFECO ELECTRIC SUPPLY                   | 158838  | 12/7/2015  | 1,835.16   |
| 0017432 SAN MATEO COUNTY PUBLIC SAFETY COMMUNICA | 158831  | 12/7/2015  | 487.50     |
| 0017145 SAN MATEO LAWN MOWER SHOP                | 158839  | 12/7/2015  | 60.47      |
| 0106068 SCOTT'S PPE RECON, INC.                  | 158840  | 12/7/2015  | 355.50     |
| 0098030 SHRED-IT USA - SAN FRANCISCO             | 158842  | 12/7/2015  | 42.50      |
| 0018891 SMCCMA                                   | 158843  | 12/7/2015  | 135.00     |
| 0017508 SOUTH CITY LUMBER AND SUPPLY             | 158844  | 12/7/2015  | 574.57     |
| 0018028 STATE WATER RESOURCES CONTROL BOARD(SWF  | 158835  | 12/7/2015  | 13,536.00  |
| 0101086 T-MOBILE                                 | 158848  | 12/7/2015  | 96.33      |
| 0106331 TALTY COURT REPORTERS, INC.              | 158845  | 12/7/2015  | 367.05     |
| 0097449 THYSSENKRUPP ELEVATOR CORP.              | 158847  | 12/7/2015  | 403.87     |
| 0104282 TOWNE FORD SALES                         | 158849  | 12/7/2015  | 180,948.90 |
| 0000665 TSQ SOLUTIONS INC.                       | 158851  | 12/7/2015  | 325.00     |
| 0018687 TYLER TECHNOLOGIES INC.                  | 158852  | 12/7/2015  | 37,949.41  |
| 0102744 UNIVERSAL BUILDING SERVICES              | 158853  | 12/7/2015  | 593.00     |
| 0102865 UNIVERSAL SERVICE ADMINISTRATIVE CO.     | 158841  | 12/7/2015  | 4,619.25   |
| 0105133 UTILITY TELEPHONE, INC.                  | 158854  | 12/7/2015  | 189.78     |
| 0102988 VANTAGEPOINT TRANSFER AGENTS             | 158855  | 12/7/2015  | 13,363.58  |
| 0000612 WESTVALLEY CONSTRUCTION CO.INC           | 158856  | 12/7/2015  | 7,273.28   |

GrandTotal: 3,670,848.28

Total count: 95



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

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DATE: January 12, 2016  
TO: Honorable Mayor and Members of the City Council  
FROM: Angela Kraetsch, Finance Director  
SUBJECT: Payroll Approval

City Council approval of the City payroll distributed December 4, 2015 and December 18, 2015 is recommended. The Labor Summary reports reflecting the total payroll amount of \$1,517,809.19 for bi-weekly pay period ending November 29, 2015 and \$1,358,542.45 for bi-weekly pay period ending December 13, 2015 are attached.

**LABOR SUMMARY FOR PAY PERIOD ENDING : November 29, 2015**

| <b>pyLaborDist</b>                       | <b>12/04/15</b>     |
|--|---------------------|
| Fund: 001 - GENERAL FUND                 | 1,137,964.39        |
| Fund: 122 - SOLID WASTE/RECYCL.          | 3,541.92            |
| Fund: 190 - EMERGENCY DISASTER FUND      | 15,706.16           |
| Fund: 201 - PARKS AND FACILITIES CAPITAL | 25.51               |
| Fund: 203 - STREET IMPROVE. PROJECTS     | 11,140.07           |
| Fund: 207 - TECHNOLOGY CAPITAL           | 122.00              |
| Fund: 611 - WATER FUND                   | 89,348.14           |
| Fund: 621 - STORMWATER FUND              | 12,405.04           |
| Fund: 631 - WASTEWATER FUND              | 73,723.70           |
| Fund: 641 - CABLE TV FUND                | 101,052.06          |
| Fund: 701 - CENTRAL GARAGE               | 12,855.06           |
| Fund: 702 - FACILITY MAINT.FUND          | 35,970.48           |
| Fund: 707 - TECHNOLOGY DEVELOPMENT       | 21,141.51           |
| Fund: 711 - SELF INSURANCE               | 2,813.15            |
| <b>Total</b>                             | <b>1,517,809.19</b> |

**LABOR SUMMARY FOR PAY PERIOD ENDING : December 13, 2015**

| <b>pyLaborDist</b>                       | <b>12/18/15</b>     |
|--|---------------------|
| Fund: 001 - GENERAL FUND                 | 1,024,865.26        |
| Fund: 122 - SOLID WASTE/RECYCL.          | 2,265.23            |
| Fund: 190 - EMERGENCY DISASTER FUND      | 13,466.58           |
| Fund: 201 - PARKS AND FACILITIES CAPITAL | 84.24               |
| Fund: 203 - STREET IMPROVE. PROJECTS     | 10,377.03           |
| Fund: 207 - TECHNOLOGY CAPITAL           | 284.66              |
| Fund: 611 - WATER FUND                   | 76,034.00           |
| Fund: 621 - STORMWATER FUND              | 10,302.44           |
| Fund: 631 - WASTEWATER FUND              | 71,882.59           |
| Fund: 641 - CABLE TV FUND                | 88,251.00           |
| Fund: 701 - CENTRAL GARAGE               | 11,750.48           |
| Fund: 702 - FACILITY MAINT.FUND          | 28,194.45           |
| Fund: 707 - TECHNOLOGY DEVELOPMENT       | 17,955.79           |
| Fund: 711 - SELF INSURANCE               | 2,828.70            |
| <b>Total</b>                             | <b>1,358,542.45</b> |

**CITY OF SAN BRUNO**  
**Portfolio Summary**  
**November 30, 2015**



| Investments                              | CUSIP     | Book Value                      | Interest Rate | Maturity Date     | % of Portfolio     |
|--|-----------|---------------------------------|---------------|-------------------|--------------------|
| <b>Investment Pools:</b>                 |           |                                 |               |                   |                    |
| Local Agency Investment Fund             |           | \$ 14,331,426.51                | 0.28%         |                   | 11%                |
| Glenview Fire Local Investment Fund      |           | 3,049,181.10                    | 0.28%         |                   | 2%                 |
| San Mateo County Pool                    |           | 18,920,410.34                   | 0.90%         |                   | 15%                |
| <b>Total Investment Pools</b>            |           | <u>36,301,017.95</u>            |               |                   | <u>29%</u>         |
| <b>Federal Agency Bonds:</b>             |           |                                 |               |                   |                    |
| Federal Home Loan Mortgage Corp          | 3134G6ZX4 | 1,000,000.00                    | 0.85%         | August 25, 2017   | 1%                 |
| Federal Home Loan Bank Notes             | 3130A5HT9 | 1,000,000.00                    | 0.75%         | August 28, 2017   | 1%                 |
| Federal Home Loan Mortgage Corp          | 3134G5AU9 | 2,000,000.00                    | 1.19%         | December 26, 2017 | 2%                 |
| Federal Home Loan Bank                   | 3130A5SW0 | 1,000,000.00                    | 1.05%         | January 22, 2018  | 1%                 |
| Federal Home Loan Mortgage Corp          | 3134G7FK2 | 1,000,000.00                    | 1.10%         | March 23, 2018    | 1%                 |
| Federal Home Loan Banks                  | 3130A5S59 | 1,000,000.00                    | 1.10%         | March 29, 2018    | 1%                 |
| Federal Home Loan Mortgage Corp          | 3134G6U43 | 1,000,000.00                    | 1.15%         | May 25, 2018      | 1%                 |
| Federal Home Loan Mortgage Corp          | 3134G7EB3 | 1,000,000.00                    | 1.25%         | July 20, 2018     | 1%                 |
| Federal Home Loan Bank                   | 3130A5SP5 | 1,000,000.00                    | 1.25%         | July 20, 2018     | 1%                 |
| Federal Farm Credit Bank                 | 3133EFBQ9 | 1,000,000.00                    | 1.37%         | December 30, 2019 | 1%                 |
| <b>Total Federal Agency Bonds</b>        |           | <u>11,000,000.00</u>            |               |                   | <u>9%</u>          |
| <b>Municipal Bonds:</b>                  |           |                                 |               |                   |                    |
| Cal State Federal Taxable                | 13063CKL3 | 2,015,100.00                    | 2.22%         | May 1, 2019       | 2%                 |
| <b>Total Municipal Bonds</b>             |           | <u>2,015,100.00</u>             |               |                   |                    |
| <b>Money Market:</b>                     |           |                                 |               |                   |                    |
| U.S. Government Money Market             | 23380W525 | 9,196,915.27                    | 0.01%         |                   | 7%                 |
| <b>Total Money Market</b>                |           | <u>9,196,915.27</u>             |               |                   |                    |
| <b>Custodial Account:</b>                |           |                                 |               |                   |                    |
| City of San Bruno as Temporary Custodian |           | 68,644,402.62                   | 0.01%         |                   | 54%                |
| <b>Total Custodial Account</b>           |           | <u>\$ 68,644,402.62</u>         |               |                   |                    |
| <b>TOTAL INVESTMENTS</b>                 |           | <u><u>\$ 127,157,435.84</u></u> |               |                   | <u><u>100%</u></u> |

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City of San Bruno

Through period: 5

Through November 2015

|   | Cash                    | Investments       | Fund Total            |
|---|-------------------------|-------------------|-----------------------|
| 001 GENERAL FUND                            | (1,845,607.89)          | 53,779.21         | (1,791,828.68)        |
| 002 GENERAL FUND RESERVE                    | 9,167,944.64            | 0.00              | 9,167,944.64          |
| 003 ONE-TIME REVENUE                        | 285,000.46              | 0.00              | 285,000.46            |
| 004 NEW CAP IMPROV/ONE-TIME INITIATIVE RSRV | 7,193,542.78            | 0.00              | 7,193,542.78          |
| 101 GAS TAX                                 | 689,923.84              | 0.00              | 689,923.84            |
| 102 MEASURE A TRANSPORTATION TAX            | 1,422,269.62            | 0.00              | 1,422,269.62          |
| 103 STREET SPECIAL REVENUE                  | 311,900.09              | 0.00              | 311,900.09            |
| 104 TRAFFIC CONGESTION RELIEF               | 0.00                    | 0.00              | 0.00                  |
| 111 POLICE ASSET FORFEITURE                 | 63,296.65               | 0.00              | 63,296.65             |
| 112 SAFETY AUGMENT. -PROP.172               | 0.00                    | 0.00              | 0.00                  |
| 113 POLICE SPECIAL REVENUE                  | 69,006.92               | 0.00              | 69,006.92             |
| 114 TRAFFIC SAFETY GRANT                    | 62,054.57               | 0.00              | 62,054.57             |
| 121 FEDERAL/STATE GRANTS                    | (26,650.04)             | 0.00              | (26,650.04)           |
| 122 SOLID WASTE/RECYCL.                     | 263,476.48              | 0.00              | 263,476.48            |
| 123 LIBRARY SPECIAL REVENUE                 | 186,615.93              | 0.00              | 186,615.93            |
| 131 IN-LIEU FEES                            | 3,546,892.27            | 0.00              | 3,546,892.27          |
| 132 AGENCY ON AGING                         | (31,500.93)             | 0.00              | (31,500.93)           |
| 133 RESTRICTED DONATIONS                    | 1,165,205.50            | 0.00              | 1,165,205.50          |
| 134 ED JOHNSON BEQUEST FUND                 | 26,132.68               | 0.00              | 26,132.68             |
| 135 GLENVIEW FIRE DONATIONS                 | 0.00                    | 0.00              | 0.00                  |
| 136 EMERGENCY DISASTER RESERVE              | 3,049,181.10            | 0.00              | 3,049,181.10          |
| 151 SUCCESSOR AGENCY TO THE SB RDA - OPS    | 0.00                    | 0.00              | 0.00                  |
| 152 CITY OF SB AS SUCCESSOR HOUSING AGENC\  | 241,652.00              | 0.00              | 241,652.00            |
| 153 RDA OBLIGATION RETIREMENT FUND          | 420,075.45              | 650,035.76        | 1,070,111.21          |
| 190 DISASTER RECOVERY FUND                  | 1,151,701.66            | 0.00              | 1,151,701.66          |
| 201 PARKS AND FACILITIES CAPITAL            | 1,529,578.81            | 0.00              | 1,529,578.81          |
| 203 STREET IMPROVE. PROJECTS                | 3,751,080.95            | 0.00              | 3,751,080.95          |
| 207 TECHNOLOGY CAPITAL                      | 228,601.82              | 0.00              | 228,601.82            |
| 251 SUCCESSOR AGENCY TO THE SB RDA - CAPIT/ | 0.00                    | 0.00              | 0.00                  |
| 302 LEASE DEBT SERVICE                      | 299,526.09              | 190,356.88        | 489,882.97            |
| 351 SUCCESSOR AGENCY TO THE SB RDA -2000 C/ | 0.00                    | 0.00              | 0.00                  |
| 611 WATER FUND                              | 11,999,498.59           | 0.00              | 11,999,498.59         |
| 621 STORMWATER FUND                         | 1,093,690.68            | 0.00              | 1,093,690.68          |
| 631 WASTEWATER FUND                         | 11,058,245.53           | 1.32              | 11,058,246.85         |
| 641 CABLE TV FUND                           | (7,823,490.88)          | 200.00            | (7,823,290.88)        |
| 701 CENTRAL GARAGE                          | 599,162.62              | 0.00              | 599,162.62            |
| 702 FACILITY MAINT.FUND                     | 793,921.58              | 0.00              | 793,921.58            |
| 703 GENERAL EQUIPMENT REVOLVING             | 4,846,926.82            | 0.00              | 4,846,926.82          |
| 707 TECHNOLOGY DEVELOPMENT                  | 249,455.05              | 0.00              | 249,455.05            |
| 711 SELF INSURANCE                          | 1,910,738.72            | 91,118.50         | 2,001,857.22          |
| 870 SAN BRUNO COMMUNITY FOUNDATION          | 69,887,965.31           | 0.00              | 69,887,965.31         |
| 880 PROJECT DEVELOP. TRUST                  | 166,661.13              | 0.00              | 166,661.13            |
| 891 S.B. GARBAGE CO. TRUST                  | 289,870.52              | 0.00              | 289,870.52            |
| <b>Grand Total:</b>                         | <b>128,293,547.12 *</b> | <b>985,491.67</b> | <b>129,279,038.79</b> |

## \* Reconciliation of Pooled Cash &amp; Investments to Portfolio Book Value

|   |                         |
|---|-------------------------|
| Investment Portfolio Value                          | \$127,157,435.84        |
| Cash on hand - Checking Accounts                    | 3,470,044.16            |
| Payroll and Accounts Payable Outstanding Checks     | (2,559,702.61)          |
| Deposits in Transit                                 | 225,769.73              |
| General Ledger Cash Balance as of November 30, 2015 | <u>\$128,293,547.12</u> |

Totals are through period: 5

Page: 1



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

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**DATE:** January 12, 2016

**TO:** Honorable Mayor and Members of the City Council

**FROM:** David Woltering, Community Development Director

**SUBJECT:** Waive Second Reading and Adopt an Ordinance Amending Chapter 12.96.020 of Title 12 (Land Use) of the San Bruno Municipal Code to Change from Administrative and Research (A-R) District to Planned Development District (P-D) and to Adopt a Related District Development Plan To Establish Use and Development Standards for Property Identified as 841 San Bruno Avenue West.

### **BACKGROUND:**

The City Council held a public hearing, waived the first reading and introduced the attached ordinance amending Chapter 12.96.020 of Title 12 (Land Use) of the San Bruno Municipal Code and adopting a District Development Plan on December 8, 2015. The ordinance is presented now for second reading and adoption. In accordance with the Municipal Code, this ordinance would go into effect 30 days after the second reading and formal adoption. Should the Council waive the second reading and adopt the Ordinance at this meeting, the Ordinance would become effective on February 11, 2016

The ordinance would change the Zoning District from the Administrative and Research (A-R) District to Planned Development District (P-D) for the property identified as 841 San Bruno Avenue West. The Administrative and Research Zoning District allows high quality light industrial areas, research facilities, large-scale administrative offices, and professional medical offices in addition to ancillary personal service and business uses. The uses proposed for the Planned Development District are similar to the A-R Zoning District and described as follows: Medical Office, Dental Office, Administrative, Professional and General Office, and Business Services, except services to buildings. The proposed uses and development standards for the subject property are in conformance with the applicable TOD land use designation in the General Plan and Transit Corridors Plan (TCP) - El Camino Real Character Area. The P-D Zoning District is being proposed to establish development standards, e.g. setbacks, building heights, floor area ratios (FAR) etc., for this property that are consistent with the recently adopted Transit Corridors Plan Specific Plan that now governs this site.

The City Council also granted approval on December 8, 2015 to allow the construction of a 15,223 square foot medical office building with 43 parking spaces on the subject

7d

property, contingent upon the formal adoption of the ordinance being considered for second reading under this agenda item.

The subject property consists of two lots located on San Bruno Avenue, west of El Camino Real. The approximately 30,710 square foot (0.71 acres) property is currently developed with a 10,000 square-foot, two-story office building and two surface parking lots which would be removed and replaced with the proposed project. The proposed 15,223 square foot medical office building would be comprised of an 11,096 square foot main/upper floor for a dialysis medical clinic and the 4,127 square foot lower floor would be office uses in support of the clinic.

Immediately adjacent and to the south of the subject property are one- and two-story single-family dwellings in a Residential zoning district (R-1). To the east, across White Way, is a vacant lot in a commercial center that includes restaurants, personal services, a gym and other commercial uses. The zoning classification of this area is General Commercial district (C-1). To the west are commercial office/medical uses and across San Bruno Avenue to the north are office uses, both areas are classified as an Administrative and Research (A-R) Zoning District.

#### Architectural Review Committee and Planning Commission

The Architectural Review Committee (ARC) reviewed this project at its August 13, 2015 meeting and the Planning Commission reviewed the proposal on November 3, 2015. At this meeting, the Planning Commission unanimously recommended that the City Council approve the project. However, the Commission asked that the Architectural Review Committee finalize certain aspects of the proposal before the item would be forwarded to the City Council. At its November 12, 2015 meeting, the Architecture Review Committee provided the needed input on the recommended design to the City Council.

#### **Environmental Assessment**

The 841 San Bruno Avenue project is located within the Transit Corridors Plan (TCP) area. A Program Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program were prepared for the TCP and were adopted by the City Council on February 12, 2013. The 841 San Bruno Avenue property was analyzed in the TCP EIR at a programmatic level, with potential impacts identified and mitigations applied in the program EIR to avoid or reduce potentially significant impacts to less than significant levels.

An Initial Study/Environmental Checklist was prepared for this proposal which confirmed the proposed project would not result in any new or substantially more severe significant environmental effects than those analyzed in the earlier California Environmental Quality Act (CEQA) document. Accordingly, the previously certified Transit Corridors Plan EIR adequately describes the proposed project for the purposes of CEQA.

Under CEQA Guidelines sections 15168 (Program EIR), 15162 (Subsequent EIRs and Negative Declarations), and 15183 (Projects Consistent With a Community Plan or Zoning), subsequent individual projects can utilize a previously certified program EIR if

all potentially significant environmental impacts of the proposed individual project: (1) have been previously identified (i.e., are not new) and are not substantially more severe than those identified in the previous EIR, (2) have been avoided or mitigated to the extent feasible as a result of the previous EIR, and (3) have been examined in sufficient detail in the previous EIR to enable those impacts to be avoided or mitigated by the mitigations in the EIR, site-specific project revisions, or the imposition of uniformly applicable development policies. If these conditions are met, then the City can approve the individual project as within the scope of the previous EIR, and no additional environmental document is required. The certified TCP EIR and the 841 San Bruno Avenue project proposal meet these CEQA conditions. A copy of the Initial Study/Environmental Checklist available in the City's Community Development Department at City Hall.

#### Conclusion

The project would be the second significant new development approval in the Transit Corridors plan area. The proposed project and design is consistent within the TCP development standards and design guidelines. The proposed mass, height and design is sensitive to the context of the adjacent residential use. Although the TCP development standards provide for a structure up to 70-feet high and five stories, the proposed flat roof tower element is 40-feet high with two stories consistent with the current A-R zoning. Overall, the proposed building is only three to five feet higher than the existing structures south elevation, not including the tower elements, which are located towards the adjacent commercial properties and San Bruno Avenue. This minimizes the visual impact to the residential neighborhood to the rear of the building and is much lower and represents a smaller scale building than is allowed by the TCP. The proposed dialysis use, at this site would provide a vital service to the local and regional area and the proposed development is consistent with the General Plan TOD designation.

#### Next Steps

If the City Council approves the second reading and adopts the attached ordinance, the ordinance would go into effect 30 days after the second reading (February 11, 2016). It is anticipated the applicant would submit construction documents and working drawings for Building Division plan check and building permit issuance, thereafter. It is estimated that demolition of the existing building on the property would occur during the first quarter of 2016. Construction of the project would commence during the second half of 2016. Occupancy is expected late 2017 or early 2018.

#### **FISCAL IMPACT:**

The applicant submitted a deposit to cover staff and consultant costs in processing this application. The improvements to the site would increase the value of the site and increase property tax.

**ALTERNATIVES:**

1. Do not approve the proposed ordinance.
2. Propose changes to the ordinance.

**RECOMMENDATION:**

Waive Second Reading and Adopt an Ordinance Amending Chapter 12.96.020 of Title 12 (Land Use) of the San Bruno Municipal Code to Change from Administrative and Research (A-R) District to Planned Development District (P-D) and to Adopt A Related District Development Plan To Establish Use and Development Standards for Property Identified as 841 San Bruno Avenue West.

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Location Map, Site Photos
2. Ordinance Amending Chapter 12.96.020 of Title 12 (Land Use) of the San Bruno Municipal Code to Change from Administrative and Research (A-R) District to Planned Development District (P-D), and to Adopt a Related District Development Plan to Establish Use and Development.
  - Exhibit 1 - Proposed Zoning Map Amendment
  - Exhibit 2 - Summary of Development Standards
  - Exhibit 3 - Findings of Consistency

**DATE PREPARED:**

December 23, 2015

**REVIEWED BY:**

City Manager \_\_\_\_\_

## Attachment 1: Location Map



841 San Bruno Avenue West  
020-072-290 and 020-072-330  
ZA-15-001, PDP-15-003, AR-15-005

## Photographs



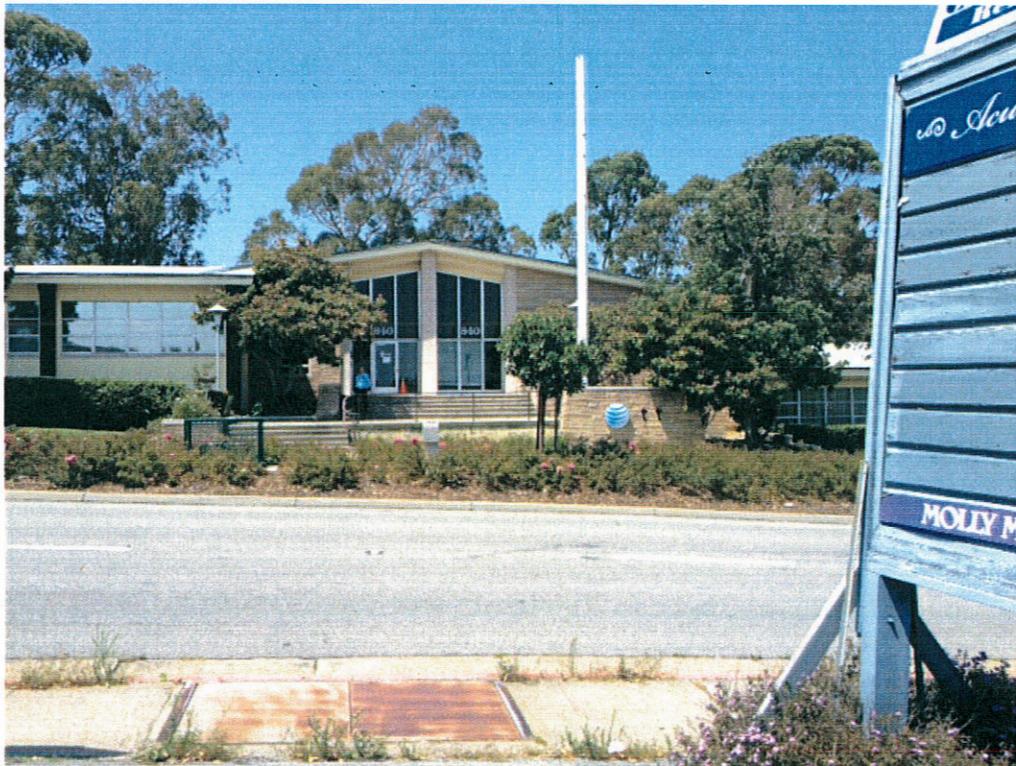
Subject Site



East elevation subject site, viewed from Camino Plaza



Residential properties to the south from Linden Avenue



Commercial property to the north across San Bruno Avenue

**ORDINANCE No. XXXX**

**AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING SECTION 12.96.020 OF TITLE 12 (LAND USE) OF THE SAN BRUNO MUNICIPAL CODE TO CHANGE THE ZONING DISTRICT FROM A-R (ADMINISTRATIVE AND RESEARCH) DISTRICT TO P-D (PLANNED DEVELOPMENT) DISTRICT AND ADOPT A DEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS 841 SAN BRUNO AVENUE (APN 020-072-290, 020-072-330)**

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

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

1. On November 3, 2015, the Planning Commission conducted a duly-noticed public hearing and passed a resolution recommending that the City Council adopt said Ordinance.
2. On December 8, 2015 the City Council conducted a duly noticed public hearing and the City Council introduced said Ordinance.

**Section 2.** Section 12.96.020 of Title 12 of the San Bruno Municipal Code (the San Bruno Zoning Code) is amended by to change the Zoning District from A-R (Administrative and Research) District to P-D (Planned Development) District (see Exhibit 1).

A. Purpose. To designate and promote orderly development of the planned development district as medical office; dental office; administrative office; professional office; general office; business services, except services to buildings to serve present and future needs of the community.

B. Permitted Uses and Development Standards shall be as specified within the Planned Development District Development Plan established for this rezoning.

**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.** The request to amend the San Bruno Municipal Code has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq., hereafter the "CEQA Guidelines"). The amendments do not require any further CEQA review because all potentially significant effects have been analyzed adequately in the San Bruno Transit Corridors Plan (TCP) Certified Environmental Impact Report (EIR) pursuant to CEQA Guidelines Sections 15162 (Subsequent EIRs and Negative Declarations) and 15168 (Program EIR).

The 841 San Bruno Avenue project is located within the Transit Corridors Plan (TCP) area. A Program Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program was prepared for the TCP and was adopted by the City Council on February 12, 2013. The 841

San Bruno Avenue property was analyzed in the TCP EIR at a programmatic level, with potential impacts identified and mitigations applied in the program EIR to avoid or reduce potentially significant impacts. The certified TCP EIR and the 841 San Bruno Avenue project meet these CEQA conditions. All applicable mitigations in the TCP EIR will be required as conditions of approval for the proposed Project.

**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

I hereby certify that the foregoing Ordinance No. XXXX was introduced on \_\_\_\_ 2015 and adopted at a regular meeting of the San Bruno City Council on \_\_\_\_ 2015, by the following vote:

AYES: COUNCILMEMBERS: \_\_\_\_\_

NOES: COUNCILMEMBERS: \_\_\_\_\_

ABSENT: COUNCILMEMBERS: \_\_\_\_\_

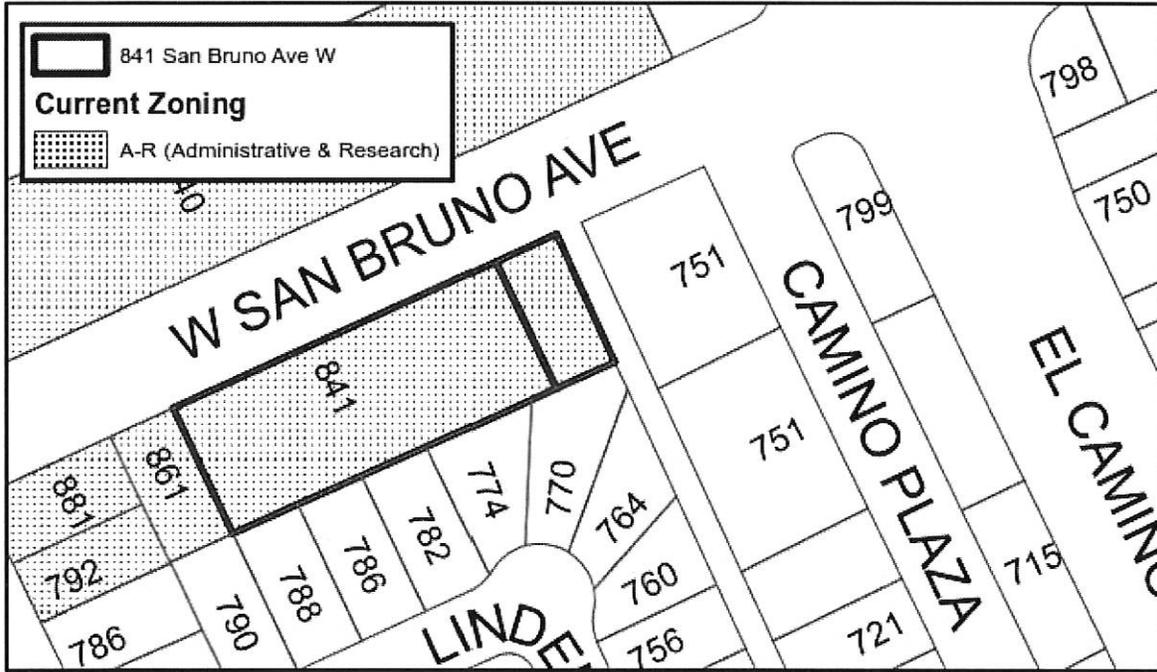
\_\_\_\_\_

City Clerk

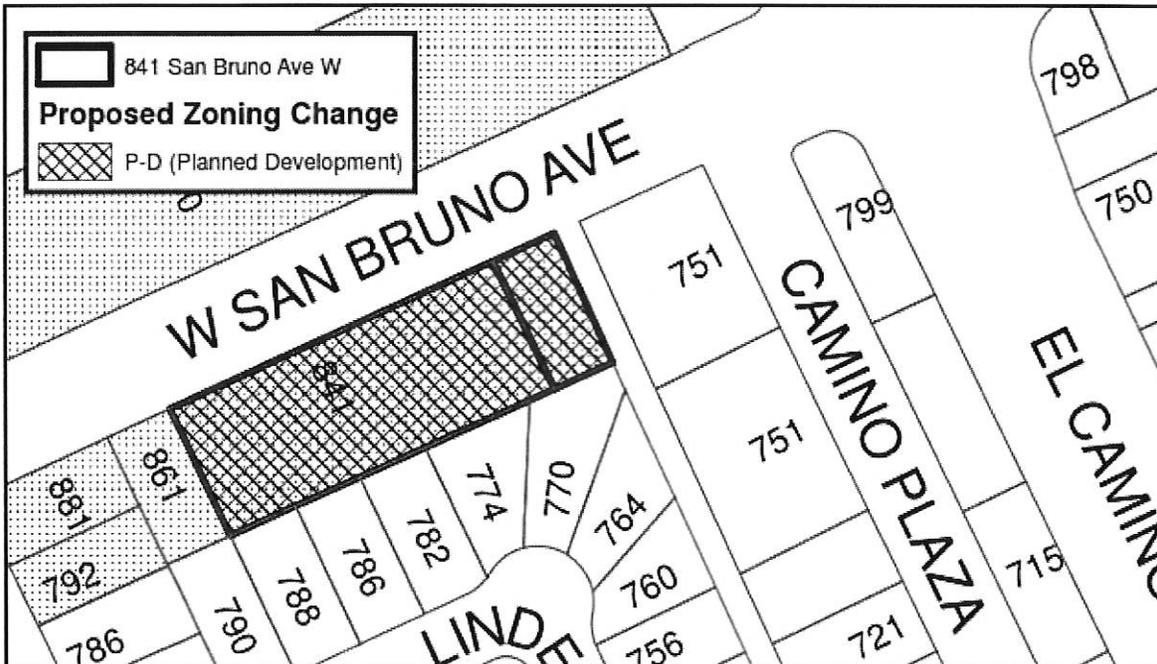
# Exhibit 1

Proposed Zoning Code Map Amendment (ZA15-001)  
Current Zoning: A-R (Administrative and Research)  
Proposed New Zoning: P-D (Planned Development)  
841 San Bruno Ave W, San Bruno, CA  
APNs: 020-072-290 and 020-072-330

## Current Zoning



## Proposed Zoning Amendment



**ATTACHMENT 2 – Exhibit 2**  
**Planned Development District Development Plan**  
**841 San Bruno Avenue**  
**Summary of Development Standards**

**Proposed Land Use/Zoning:**

Planned Development District (P-D)

**Permitted Uses:**

Medical office, Dental office, Administrative, Professional and General office, Business Services, except to buildings.

**Development Standards:**

| <b>DEVELOPMENT STANDARDS</b>                            |  |
|---|--|
| <b>FAR - parcels under 20,000 sf</b>                    | Maximum 2.0  |
| <b>FAR - parcels over 20,000 sf</b>                     | No maximum for parcels over 20,000 sf                      |
| <b>Step backs - facing corridor street</b>              | Above 4th floor - step backs 15 feet                       |
| <b>Step backs:- adjacent to low-density residential</b> | Above 3 <sup>rd</sup> floor - step backs 15 feet           |
| <b>Minimum Setbacks:</b>                                |  |
| <b>Front</b>  | 10 feet average. Front setback must be pedestrian-oriented |
| <b>Exterior Side</b>                                    | None   |
| <b>Interior Side</b>                                    | None   |
| <b>Rear</b>   | 10 feet adjacent to residential                            |
| <b>Maximum Height</b>                                   | 70 feet or 5 stories                                       |
| <b>Impervious surface</b>                               | 80%  |

**Parking Requirements**

| <b>DEVELOPMENT STANDARDS</b>   | <b>ADMINISTRATIVE, PROFESSIONAL AND GENERAL OFFICE, BUSINESS SERVICES</b> | <b>MEDICAL OFFICE, DENTAL OFFICE</b>   |
|--|---|--|
| <b>Parking</b>   | 3 spaces per ksf**maximum***  | Same   |
| <b>Loading</b>   | 1 off-street space per 20,000 gfa   | Same   |
| <b>Bicycle Parking</b>   |   |  |
| <b>Long term spaces</b>  | <b>Short term spaces</b>  | <b>Showers</b>   |
| 1-2 per 3 ksf<br><br>Office:<br><br>1 space for every required auto parking spaces | 1 space for every 40 required auto parking spaces                         | <u>Commercial:</u><br><br>0-9.9 ksf : 0 shower<br><br><u>Office:</u> 10 ksf – 20 ksf: 1 shower<br><br>20 ksf - 50 ksf: 2 showers<br><br>50+ ksf: 4 showers |

Note:

- \*gfa = gross floor area
- \*\*1 ksf -= 1,000 square feet
- \*\*Requires approval of Transit Demand Management Plan (TDM)
- \*\*\*\*Projects desiring to exceed the maximum parking standard maybe charged a fee to be set by the City for each parking space above the maximum.

Note: Specific standards are as provided in the TCP and as modified by the City from time to time. In addition, required parking may be reduced if the applicant, due to the specific nature of the use, as demonstrated by a parking demand study approved by the Community Development Director; and 2) the applicant prepares a transportation management plan to reduce the demand for off street parking by encourage the use of transit, ridesharing, biking walking or travel outside of peak hours.

**ATTACHMENT 2 - EXHIBIT 3**

**ZONING DISTRICT AMENDMENT  
TO ENSURE CONSISTENCY WITH THE PROPOSED MEDICAL/OFFICE DEVELOPMENT  
LOCATED AT 841 SAN BRUNO AVENUE**

Findings of Consistency

The proposed land use and zoning designation of the 841 San Bruno Avenue Project is based on the goals, programs, and policies found in the City's General Plan, with development standards tailored to the project, as described in the site plans. The proposed land use and zoning designation meets the intent of the following goals, programs and policies set forth in the City's General Plan:

**LAND USE ELEMENT**

Guiding Policies:

**LUD-C**

Stimulate reuse with multi-use, transit oriented development along El Camino Real, San Bruno Avenue, and San Mateo Avenue. Provide amenities serving pedestrians, bicyclists, and transit riders along these corridors.

San Bruno Avenue Policies:

**LUD 47**

Allow high-intensity mixed-use development – including retail, offices, services, and housing – along San Bruno Avenue, between Elm Avenue and Huntington Avenue.

**LUD-49**

Minimize building setbacks, orient building entrances toward the street (not parking lots) and vary features along the building facades on San Bruno Avenue.



City Council Agenda Item  
Staff Report

CITY OF SAN BRUNO

**DATE:** January 12, 2016

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jimmy Tan, Acting Public Services Director/City Engineer

**SUBJECT:** Adopt Resolution Accepting the Emergency Water Main Replacement for the Shelter Creek Condominiums 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 \$4,646

**BACKGROUND:**

On July 14, 2015, the City Council awarded the emergency construction contract for the replacement of the water main within the Shelter Creek Condominiums to Ranger Pipelines, Inc. in the amount of \$100,310 with a construction contingency of \$15,000. The project resulted from the leak noticed by Ranger Pipelines while they were performing the work for the San Francisco Public Utilities Commission (SFPUC) to install a 66-inch diameter pipeline as part of the Peninsula Pipeline Seismic Upgrade Project (PPSU). The project consisted of removal and replacement of approximately 250 feet of existing cast iron water pipeline and replacing it with non-corrosive High Density Polyethylene pipe adjacent to Building 4 within the Shelter Creek Condominiums complex.

**DISCUSSION:**

The City awarded a contract to Ranger Pipelines, Inc. for completion of the leak repair project under the emergency provisions of the Public Contract Code and the City's Municipal Code. Ranger Pipelines completed the project and there are no unresolved stop notices or outstanding construction claims for this project. Upon accepting the project, the Notice of Completion will be filed with the San Mateo County Recorder's Office. No change orders were issued for unforeseen conditions or extra work. One bid item adjustment was performed to delete a portion of the water main installation and addition of work to remove the existing valve vault and installation of a blow-off assembly. The bid item adjustment resulted in a net credit of \$7,389.

Staff recommends that the City Council accept the construction project as complete, authorize filing 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 \$4,646 withheld by the City.

7e

**FISCAL IMPACT:**

The Emergency Water Main Replacement for the Shelter Creek Condominiums Project is an established Capital Improvement Program (CIP) project funded through Water Enterprise funds. Funding in the amount of \$115,310 was approved and appropriated during the City Council meeting on July 14, 2015. The total construction project expenditure is \$92,921 which included a bid item credit adjustment in the amount of \$7,389.

Expenditures

|                       |    |         |
|-----------------------|----|---------|
| Construction Contract | \$ | 100,310 |
| Bid Item Adjustment   | \$ | (7,389) |
| <hr/>                 |    |         |
| Total Expenditures    | \$ | 92,921  |

The construction contract required a 5% retention be withheld by the City. Staff is requesting the authorization to release the construction contract retention of \$4,646 to Ranger Pipelines, Inc.

**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 Emergency Water Main Replacement for the Shelter Creek Condominiums 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 \$4,646

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Resolution
2. Contract Acceptance and Release of Retention Information Form
3. Location Map
4. 2015-20 CIP Budget Sheet

**DATE PREPARED:**

December 23, 2015

REVIEWED BY:

\_\_\_\_\_ CM

RESOLUTION NO. 2016 - \_\_\_\_

**RESOLUTION ACCEPTING THE EMERGENCY WATER MAIN REPLACEMENT FOR THE SHELTER CREEK CONDOMINIUMS 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 \$4,646**

**WHEREAS**, on July 14, 2015, the City Council awarded the emergency construction contractor for the replacement of the water main within Shelter Creek Condominiums to Ranger Pipelines, Inc.; and

**WHEREAS**, the construction budget in the amount of \$115,310 was appropriated from the Water Enterprise Fund which included a \$15,000 construction contingency budget; and

**WHEREAS**, one bid item adjustment was performed to delete a portion of the water main installation and addition of work to remove the existing valve vault and installation of a blow-off assembly; and

**WHEREAS**, the bid item adjustment resulted in a net credit of \$7,389; 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 \$4,646 upon the acceptance of the project as complete.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby accepts the Emergency Water Main Replacement for the Shelter Creek Condominiums 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 \$4,646.

Dated: January 12, 2016

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 12th day of January 2016 by the following vote:

AYES: Councilmembers: \_\_\_\_\_  
NOES: Councilmembers: \_\_\_\_\_  
ABSENT: Councilmembers: \_\_\_\_\_



**PUBLIC SERVICES DEPARTMENT**

**Capital Improvement Program**

**Project Acceptance Information Form**

**As of Date:** December 23, 2015

**Project Information:**

|  |  |                         |                        |
|--|--|-------------------------|------------------------|
| Contract Name                            | <b>Emergency Water Main Replacement for the Shelter Creek Condominiums Project</b> | Contract Number         | 84154                  |
| Project Manager                          | Jimmy Tan  |                         |                        |
| Consultant Design & Construction Support | None   | Construction Contractor | Ranger Pipelines, Inc. |
| Design Contract Award Date:              | None   |                         |                        |
| Construction Contract Award Date:        | July 14, 2015  |                         |                        |
| Start of Construction:                   | August 10, 2015  |                         |                        |
| Contract Change Orders (CCO):            | None   |                         |                        |
| Substantial Completion:                  | September 11, 2015   |                         |                        |
| Final Completion:                        | December 4, 2015   |                         |                        |
| Notice of Completion:                    | Scheduled for filing on January 13, 2016   |                         |                        |

**Project Description:**

The project consisted of removal and replacement of approximately 250 feet of existing cast iron water pipeline and replacing it with non-corrosive High Density Polyethylene pipe adjacent to Building 4 within the Shelter Creek Condominiums complex. The work was inclusive of furnishing all labor, materials, equipment, tools, and services necessary to install the replacement water main; installation of isolation valves; trench excavation and disposal of excavated materials; pipeline flushing, disinfection, and testing; backfilling and compaction testing. All work items were completed in accordance with the City's requirement and specification.

**Project Cost:**

|                                 | <b>Budget</b> | <b>Actual</b> |
|---------------------------------|---------------|---------------|
| <b>TOTAL PROJECT</b>            | \$ 115,310    | \$ 92,921     |
| Design                          | \$ -          | \$ -          |
| Construction Contract           | \$ 100,310    | \$ 100,310    |
| Contingency                     | \$ 15,000     | \$ -          |
| Bid Item Adjustment             | \$ -          | \$ (\$7,389)  |
| Staff Management and Inspection | \$ -          | \$ -          |
| Other Miscellaneous Expense     | \$ -          | \$ -          |



## Water Main Improvement and Replacement Program

### PROJECT INFORMATION

**Origination Year:** 2005-06

**Project Number:** 84129 / 84150 / 84151 / 84152 /  
84153 / 84154

**Projected Completion Date:** On-going Program

**Total Project Cost:** \$ 23,954,353

### **Project Description:**

This project will replace the City's water main lines in a 20 year period. The schedule for replacement of individual pipeline is guided by the Water Master Plan, which used water leak reports, maintenance history, fire flow adequacy analysis, and age of pipe to determine replacement project priorities. The Water Master Plan provides the priority for replacement for each segment based on age, condition, and capacity. The high-priority projects over the next five years will include pipelines in the neighborhoods in and around downtown San Bruno and east of Huntington Avenue.

Projects scheduled to be completed within the next five years include replacement of water mains in the following areas: Jenevein Avenue, San Mateo Avenue, Crystal Springs Road, Crestwood Drive, San Antonio Avenue, and replacement of water mains in the eastern portion of the city south of I-380, also known as "the Avenues".

In order to maximize efficiency in the delivery of water main line replacement projects and minimize construction related impacts to the public, projects will be coordinated with replacement of wastewater main lines and/or stormwater lines where feasible.

### **2014-15 Status:**

Completed installation of water mains along Spyglass Drive and Merion Drive. Initiated engineering design for Jenevein Avenue, San Mateo Avenue and Crystal Springs Road Water Replacement Projects.

### **2015-16 Work Plan:**

Complete design for Jenevein Avenue, San Mateo Avenue, and Crystal Springs Road Water Main Replacement Projects. Initiate engineering design for the following projects: Avenues 1-1, Avenues 1-2, and Crestwood Drive Water Main Replacement.

**Project Appropriations:  
 Current Year Appropriations:**

| Projects                           | Map Key<br>(see Page<br>31) | Prior<br>Approp. | Estimated<br>Prior<br>Expense | Estimated<br>Carryover<br>Approp. | 2015-16<br>Funding<br>Request | 2015-16<br>Total<br>Funds<br>Available | Total<br>Project<br>Cost |
|------------------------------------|-----------------------------|------------------|-------------------------------|-----------------------------------|-------------------------------|--|--------------------------|
| Other Water Main*<br>Replacement   | n/a                         | 170,000          | 64,353                        | 105,647                           | (105,647)                     | 0                                      | 64,353                   |
| Jenevein Ave                       | ④                           | 222,500          | 2,769                         | 219,731                           | 667,500                       | 887,231                                | 890,000                  |
| San Mateo Ave                      | ⑦                           | 267,500          | 2,466                         | 265,034                           | 802,500                       | 1,067,534                              | 1,070,000                |
| Crystal Springs Ave                | ⑤                           | 557,500          | 2,238                         | 555,262                           | 422,500                       | 977,762                                | 2,230,000                |
| Crestwood Drive                    | ②                           | 0                | 0                             | 0                                 | 252,500                       | 252,500                                | 1,010,000                |
| San Antonio Ave                    | ⑥                           | 0                | 0                             | 0                                 | 0                             | 0                                      | 1,430,000                |
| Shelter Creek                      | ③                           | 150,000          | 0                             | 150,000                           | 0                             | 150,000                                | 150,000                  |
| Avenues No. 1-1**                  | ⑧                           | 977,500          | 0                             | 977,500                           | *(677,500)                    | 300,000                                | 2,710,000                |
| Avenues No. 1-2                    | ⑧                           | 0                | 0                             | 0                                 | 200,000                       | 200,000                                | 2,750,000                |
| Avenues No. 1-3                    | ⑧                           | 0                | 0                             | 0                                 | 0                             | 0                                      | 4,020,000                |
| Avenues No. 2-1                    | ⑨                           | 0                | 0                             | 0                                 | 0                             | 0                                      | 180,000                  |
| Avenues No. 3-1                    | ⑩                           | 0                | 0                             | 0                                 | 0                             | 0                                      | 3,850,000                |
| Avenues No. 3-2                    | ⑩                           | 0                | 0                             | 0                                 | 0                             | 0                                      | 3,300,000                |
| Avenues No. 3-3                    | ⑩                           | 0                | 0                             | 0                                 | 0                             | 0                                      | 300,000                  |
| <b>Total Water Capital Funding</b> |                             | <b>2,345,000</b> | <b>71,826</b>                 | <b>2,273,174</b>                  | <b>1,561,853</b>              | <b>3,835,027</b>                       | <b>23,954,353</b>        |

\* Close out the project and transfer the funding back to Water Enterprise fund for future appropriations.

\*\*The 2015-16 project funding for Avenues No. 1-1 has been reduced by \$677,500 and moved to fiscal year 2016-17 to accurately reflect the construction schedule.

January 2016

Dear Bonnie Connor,

When my term expired in February  
I will not return because I will  
step home to take care of my husband  
who has medical problems. I have  
enjoyed my time on the City Council  
very much.

Sincerely,  
Steve L. Ferrara



## Vicky Hasha

---

**From:** Brandon Lau  
**Sent:** Thursday, December 03, 2015 4:28 PM  
**To:** Vicky Hasha  
**Subject:** RE: Invitation - City Council Reorganization & Swearing-In

Hello,

It is with great sadness i have to resign my position due to time conflict. Sorry

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** Vicky Hasha <VHasha@sanbruno.ca.gov>  
**Date:** 12/03/2015 2:47 PM (GMT-08:00)  
**To:**  
**Subject:** Invitation - City Council Reorganization & Swearing-In

Hello,

Attached is an invitation for you to attend the San Bruno City Council Reorganization and Swearing-In ceremony. Don't hesitate to contact me with any questions.

Sincerely,

Vicky S. Hasha

Deputy City Clerk

City of San Bruno

567 El Camino Real

San Bruno, CA 94066

(650) 616-7071



City Council Agenda Item  
Staff Report

CITY OF SAN BRUNO

**DATE:** January 12, 2016

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jimmy Tan, Acting Public Services Director/City Engineer

**SUBJECT:** Adopt Resolution Waiving the Competitive Bidding Process and Authorizing the City Manager to Execute a Contract with a Qualified Electrical Contractor for Emergency Replacement of Underground Electrical Wiring for the Crestmoor Neighborhood Streetlight System in the Amount Not to Exceed \$500,000 and Appropriating \$500,000 from the Capital Reserve Fund

**BACKGROUND:**

Since late October, the Crestmoor I neighborhood has been experiencing a streetlight outage that is affecting 57 streetlights along the following streets: Alpine Way, Crestmoor Dr. (north of San Bruno Ave.), Dover Ct., Essex Ct., Hamilton Ave., Kingston Ave., Lexington Way, Madison Ave., Markham Ave., Princeton Dr., Trenton Dr., Whitecliff Ave. and Whitman Way.

Since the outage was reported on October 23, 2015, PG&E has replaced the transformer that powers the entire Regulated Output (RO) circuit and the City and its contractor have completed testing and evaluation of the entire system and have made numerous repairs in areas showing failure, including replacement of over 1,000 feet of underground wiring, repair of 50 splices, removal and replacement of failed fixture heads, installation of LED replacement of fixtures and step-down transformers, replacement of the wiring inside each streetlight pole and removal/bypass of lights on the system that failed.

The City Council received reports at the November 10 and November 24, 2015 City Council meetings regarding the Crestmoor outage and the on-going efforts being completed by staff and City contractors to trouble-shoot and resolve the outage. The November 10, 2015 staff report provides a detailed explanation of the RO circuit and trouble-shooting efforts. At that meeting, the City Council authorized staff to identify and hire an electrical contract firm with expertise in RO system circuitry to assist with the on-going testing and repair effort. Staff hired St. Francis Electric who was tasked to perform voltage tests on existing electrical wires within the neighborhood. Informational updates have been posted regularly on the City's website and provided to neighborhood residents by mailed letters.

City staff met with the City Council Surface Infrastructure Subcommittee (R. Medina/K. Ibarra) on December 10, 2015 to discuss both the near term need for reliable temporary lighting and available options for permanent repair of the streetlight system for the neighborhood. Staff provided various temporary and permanent options for discussion. At that meeting, the Subcommittee concurred with staff's recommendations to work with the

neighborhood residents to provide power to the streetlights by connecting the streetlight to an electrical outlet at an adjacent residence as a temporary solution and to proceed with the development of a project to replace the underground electrical wire for the permanent solution. A special City Council meeting was held on December 22<sup>nd</sup> to provide the City Council an update on the status of the streetlight outage, temporary lighting options and permanent repair alternatives. The City Council approved the staff and Surface Infrastructure Subcommittee's recommendations on both the temporary and permanent repairs of the system.

#### **DISCUSSION:**

As a result of the testing and repairs that have occurred over the past several weeks, the City has replaced all of the streetlight fixture heads, the wiring inside each pole and over 1,000 feet of underground wiring that runs between poles. As previously indicated in this report, PG&E has also replaced the system transformer. The only remaining component of the existing RO system that is not newly replaced is the underground pole to pole wiring throughout the entire system. Replacement of the underground wiring is expected to provide a viable long term solution to restore the existing RO circuit within the neighborhood. This work involves removing sidewalks at certain locations to install new utility boxes, removing and installing new electrical wiring throughout the neighborhood and performing operational testing of electrical circuit. The work is anticipated to take approximately 3 – 4 months to complete.

The alternative approach to provide permanent repair of the streetlight system that was evaluated by staff and considered by the City Council involves redesign and replacement of the entire system with a parallel electrical circuit that provides power via a direct connection to each streetlight pole. This alternative was not recommended because it requires extensive design and planning work through PG&E in addition to the construction of the improvements and is estimated to take as long as 18 months to 2 years to complete.

Staff has obtained a cost proposal from an electrical contractor and is seeking additional proposals for the replacement of the underground electrical wiring. Once the proposals are received, staff will review the proposals and negotiate with the most qualified cost effective contractor. Staff is currently seeking Council's approval so the project can immediately commence as soon as the contract is negotiated.

State law and the City's local ordinances address situations in which there might not be sufficient time to go through the competitive bid process if an emergency repair is needed. If the formal competitive bid process is utilized, the project will need to be designed, advertised for bid, and awarded at a future Council meeting. The repair would take approximately six to nine months for the entire process. In this case, an emergency exists because the streetlight outage has created a potentially unsafe environment for both drivers and pedestrians within the neighborhood, and the City has to utilize temporary lighting until the permanent streetlight is restored. It is important that the repair be completed expeditiously to provide a safe and reliable streetlight system for the residents.

Public Contracts Code Section 1102 defines an emergency as "a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services." In

the case of an emergency per Public Contract Code Section 20168 and Municipal Code Section 2.44.030(B), the City Council may take any directly related and immediate action required by the emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. An action by the City Council to declare the existence of an emergency and to authorize waiver of the competitive bidding process and emergency bidding procedures requires a four-fifths vote of the City Council. Specific actions necessary to prevent or mitigate an emergency are exempt from California Environmental Quality Act (CEQA).

Should the City Council take action to waive the competitive bidding process and authorize the City Manager to execute the contract with an electrical contractor for the underground wire replacement, work is anticipated to begin on the week of February 1 and completed by May 31, 2016.

**FISCAL IMPACT:**

The total construction amount for this project is anticipated to not exceed \$500,000 which includes construction contingency. This project is not included in the City's current Capital Improvement Program and no available funds are budgeted for this work. Staff is requesting an appropriation of \$500,000 from the Capital Reserve Fund to cover the cost of the project.

**ALTERNATIVES:**

1. Do not waive the competitive bidding process and bid the project as a non-emergency project through the normal bid process.
2. Request staff to request cost proposals from other contractors.

**RECOMMENDATION:**

Adopt resolution waiving the competitive bidding process and authorizing the City Manager to execute a contract with a Qualified Electrical Contractor for emergency replacement of underground electrical wiring for the Crestmoor Neighborhood Streetlight System in the amount not to exceed \$500,000 and appropriating \$500,000 from the Capital Reserve Fund.

**ATTACHMENTS:**

1. Resolution
2. Location Map

**DISTRIBUTION:**

None.

**DATE PREPARED:**

December 31, 2015

RESOLUTION NO. 2016 –

**ADOPT RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH A QUALIFIED ELECTRICAL CONTRACTOR FOR EMERGENCY REPLACEMENT OF UNDERGROUND ELECTRICAL WIRING FOR THE CRESTMOOR NEIGHBORHOOD STREETLIGHT SYSTEM IN THE AMOUNT NOT TO EXCEED \$500,000 AND APPROPRIATING \$500,000 FROM THE CAPITAL RESERVE FUND**

**WHEREAS**, the City of San Bruno desires to utilize the services of a well-qualified contractor to assist the City with emergency services for the repair of the City's streetlight system infrastructure; and

**WHEREAS**, Public Contracts Code section 1102 defines an emergency as follows: "Emergency, as used in this code, means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."; and

**WHEREAS**, Public Contracts Code section 20168 provides: "In case of an emergency, the legislative body may pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this chapter. If notice for bids to let contracts will not be given, the legislative body shall comply with Chapter 2.5 (commencing with Section 22050)"; and

**WHEREAS**, an emergency exists because the streetlight outage has created a potentially unsafe environment for both drivers and pedestrians within the neighborhood, the City has had to utilize temporary lighting until permanent streetlight is restored, and replacement of the underground electrical wiring cannot be immediately performed if the formal competitive bid process is utilized; and

**WHEREAS**, the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, property, or essential public services and that the emergency will not permit a delay resulting from competitive solicitation for bids, and this action is necessary to respond to the emergency as defined in San Bruno Municipal Code Section 2.44030(B); and

**WHEREAS**, staff obtained cost proposal for replacement of the underground wiring from an electrical contractor and is seeking additional proposals; and

**WHEREAS**, staff will review the proposals and negotiate with the most qualified cost effective contractor; and

**WHEREAS**, Council's approval is necessary so the project can immediately commence as soon as the contract is negotiated; and

**WHEREAS**, the work consists of removing and replacing underground electrical wires, furnishing and installing junction boxes, removing and replacing sidewalks as necessary, and performing operational testing of electrical circuit; and

**WHEREAS**, specific actions necessary to prevent or mitigate an emergency are exempt from CEQA (Public Resource Code Section 21080(b)(4); and

**WHEREAS**, the project will be funded from the Capital Reserve Fund since the project is not included in the City's current Capital Improvement Program and no available funds are budgeted.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council hereby authorizes the City Manager to execute a contract with a qualified electrical contractor for emergency replacement of the underground electrical wiring for the Crestmoor Neighborhood Streetlight System in the amount not to exceed \$500,000 and appropriating \$500,000 from the Capital Reserve Fund.

Dated: January 12, 2016

ATTEST:

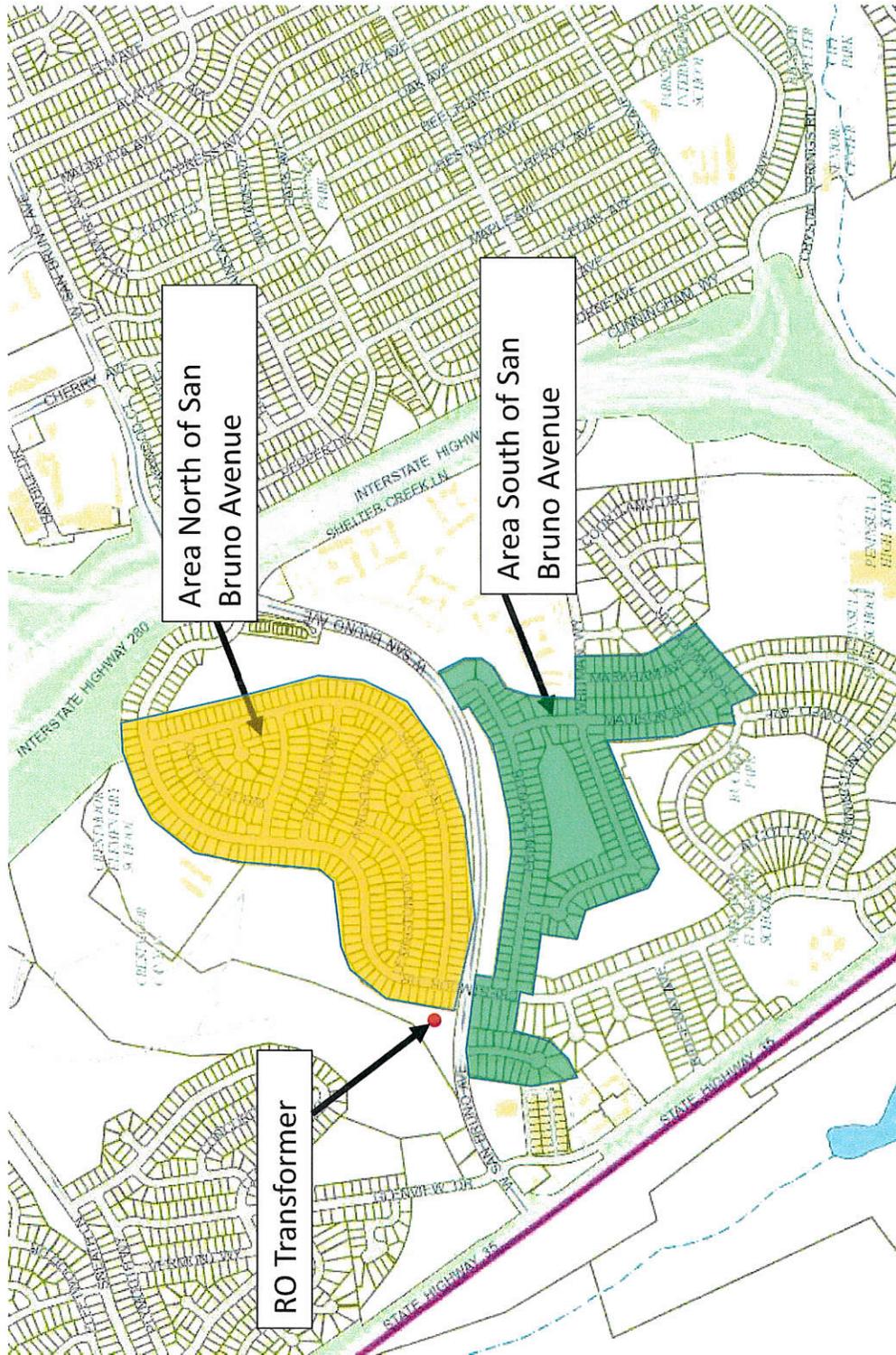
\_\_\_\_\_  
Carol Bonner, City Clerk

-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 12<sup>th</sup> day of January 2016 by the following vote:

AYES: Councilmembers: \_\_\_\_\_  
NOES: Councilmembers \_\_\_\_\_  
ABSENT: Councilmembers: \_\_\_\_\_

**Attachment 2 – Location Map**





**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** January 12, 2016  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Marc Zafferano, City Attorney  
**SUBJECT:** Receive Report and Provide Direction Regarding Regulation of Exposure to Secondhand Smoke

**BACKGROUND:**

At a recent City Council meeting, residents requested that the City consider prohibiting smoking in multi-unit housing.

It should be noted that all private property owners, including those who own individual units in multi-unit complexes, are free to prohibit smoking in their units, such as Pacific Bay Vistas has done. For condominium and townhouses, the homeowner's association could prohibit smoking in all units and enforce the restriction against both individual property owners and their tenants. In 2012, the state adopted SB 332, which restated existing law that landlords are free to prohibit smoking in their apartment complexes without risk of liability to tenants. Attachment 1, prepared by San Mateo County, illustrates the benefits of smoke-free housing for landlords.

Summary of State Law

Since 1995, state law has prohibited smoking in all enclosed "places of employment," which could include indoor common areas of multi-unit residences if the complex has an on-site employee. However, there are numerous exceptions for certain businesses, such as sole proprietorships and certain other small businesses with fewer than five full-time employees, up to 65% of hotel/motel guest rooms, 25-50% of hotel/motel lobbies (excluding the bar area), and employee break rooms if certain criteria are met.

Health and Safety Code section 118910, also adopted in 1995, specifically authorizes local agencies to adopt more stringent regulations than adopted by the state, or to ban smoking outright in any location. While tobacco products are legal to purchase and consume for those 18 or older, there is no constitutional or other legally-recognized right to smoke, whether in a public place or in a privately owned location, including one's own residence. Federal and state disability laws do not confer a legal right to smoke on those who may be addicted, because nicotine dependency or addiction is not a "disability" as defined under those laws. Conversely, individuals with recognized respiratory disabilities may be legally protected from exposure to secondhand smoke in the workplace.

In 2004, a state law was enacted that prohibited smoking in the following places: inside state, county, and city buildings; tot lots and playgrounds; schools; day care facilities; in vehicles when

10b

children are present; and on public transit. Smoking was also prohibited within 20' of main entrances, exits, and operable windows of public buildings.

### Summary of Local Regulations

Local regulation of smoking in San Mateo County can be traced back to the early to mid-1990's, when most cities adopted ordinances prohibiting smoking in indoor (and in some cases outdoor) common areas of multi-unit housing, and established smoking restrictions in some indoor areas of commercial establishments. However, San Bruno did not choose to regulate smoking at that time, and the City does not currently regulate smoking in any locations (indoor or outdoor) beyond the restrictions in state law, with one exception for tobacco retailer shops (San Bruno Municipal Code section 6.54, adopted in 2010).

In 2006, responding in part to the accumulating scientific evidence that exposure to secondhand smoke was a health hazard, especially to children and those with respiratory and heart problems, the City of Dublin adopted an ordinance declaring secondhand smoke to be a "nuisance." While the ordinance did not ban smoking in any particular location, its purpose was to provide a private right of legal action for individuals exposed them to secondhand smoke. The ordinance explicitly disavowed any City enforcement or involvement in such litigation.

Also in 2006, the City of Calabasas adopted an ordinance prohibiting smoking in most indoor and outdoor public places, including on sidewalks and around commercial establishments, providing for City educational efforts and complaint-driven enforcement. The ordinance did not ban smoking in any housing units.

In October 2006, the City of Belmont began consideration of a comprehensive smoking ordinance that would prohibit smoking virtually everywhere in the City, except in single-family homes. After a series of eight public meetings at which hundreds of people expressed their support for and opposition to the ordinance, in late 2007 the City Council adopted the first ordinance in the nation to ban smoking in individual units of multi-unit residences, including on balconies and patios of such units. The ban went into effect 14 months after the ordinance was adopted to provide time for existing one-year leases to expire, thus giving landlords an opportunity to provide new non-smoking leases to their existing and future tenants. The ordinance was widely recognized as the most restrictive local smoking law ever adopted (see Attachment 2 for a copy of the ordinance, provided primarily for reference to the extensive "whereas" clauses that recite the justifications and evidence in support of the ordinance). Prior to and after adoption of the ordinance, the City conducted extensive and ongoing public outreach and education with all interested community groups, including trade associations that represent realtors, property owners, apartment managers, and homeowner's associations. All inquiries about smoking, including all complaints, were directed to code enforcement staff, who tracked each contact, including the action taken and resolution. Staff met individually with the involved parties, often multiple times, and in many cases to identify and establish suitable outdoor smoking areas in multi-unit residential complexes. As a result of these efforts, the City has not issued a single citation for smoking in violation of the ordinance, all complaints have been resolved, and the city did not become involved in any litigation.

Soon after Belmont adopted its ordinance, other cities followed to varying degrees. Most cities initially stopped short of a complete ban in multi-unit residences, and grandfathered either all existing units, or the smoking residents of those units, or provided a grace period of many years, while applying the ban only to newly-constructed units. More recently, some cities, notably Burlingame, Daly City, Foster City, San Mateo, and San Mateo County have all adopted

ordinances that prohibit smoking in some or all existing units of multi-unit residences. Foster City's ordinance is different than the others in that if the City declines to take enforcement action within 45 days of the complaint, the affected party may enforce their rights in a civil suit. Attachment 3 provides a recent summary of the various smoking ordinances in San Mateo County.

**DISCUSSION:**

There are four key issues for discussion at tonight's meeting. San Bruno, unlike most other San Mateo County cities, has never adopted an ordinance that regulates smoking (except in tobacco retailer shops), choosing instead to default to the state law. Therefore, if the City Council would like to consider a local ordinance that regulates smoking beyond state law, staff would request initial direction on the following:

1. Should the City prohibit smoking in indoor and/or outdoor common areas of some or all multi-unit residences, as most other cities have done?
2. Should the City enact a ban on smoking in some or all multi-unit residences, and/or on their patios and balconies?
3. Should the City prohibit (or partially prohibit) smoking in outdoor public places, service lines, and/or on sidewalks?
4. Should the City prohibit smoking in some or all indoor and/or outdoor workplaces?

Depending on the City Council's position on these issues, staff will return at a subsequent meeting with the outline of an ordinance and will request additional direction on the following:

1. Should the City declare exposure to secondhand smoke a public nuisance?
2. If the City imposes a ban on smoking in outdoor areas, should there also be a "reasonable distance" requirement?
3. If the City prohibits smoking in individual units of multi-unit residences:
  - a. Should the ban apply to apartments only, or also to condominiums and/or townhomes?
  - b. Should the ban apply only to complexes of more than a certain number of units?
  - c. Should the ban apply to all units or just a percentage?
  - d. Should there be a phase-in period for the ban, and if so, for how long?
  - e. Should existing units and/or residents be grandfathered, and if so, for how long?
  - f. Should there be limitations of liability to protect landlords from legal action by tenants and the City if the landlord follows all of the rules?
  - g. Should outdoor smoking areas be allowed, and if so, where?
4. Should some or all smoking restrictions also include e-cigarettes?
5. Should enforcement be complaint-driven, with an emphasis on education, outreach, voluntary compliance, and mediation?
6. What other enforcement mechanisms should be used?

**FISCAL IMPACT:**

None at this time.

**ALTERNATIVES:**

1. Direct staff to discontinue its efforts regarding this issue.

**RECOMMENDATION:**

Receive report and provide direction regarding regulation of exposure to secondhand smoke.

**ATTACHMENTS:**

1. San Mateo County handout re: benefits of non-smoking housing policies
2. Belmont smoking ordinance
3. Summary of smoking policies in San Mateo County

**DATE PREPARED:**

January 12, 2016

**REVIEWED BY:**

\_\_\_\_\_ CM



# Benefits of Non-smoking Housing Policies

## **Don't Let Your Investment Go Up in Smoke!**

### Save Money

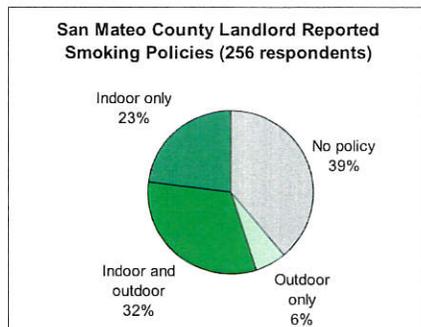
- ◆ Making your rental units non-smoking may allow you to save 10% or more on your insurance premiums.<sup>i</sup> Free online advertising is available for smoke-free apartments, saving you even more.<sup>ii</sup>
- ◆ Reports indicate that apartment turnover costs can be 2 to 7 times greater when smoking is allowed, compared to the cost of maintaining and turning over a non-smoking free unit.<sup>iii</sup>

### High Market Demand

Less than 11 % of San Mateo residents smoke, indicating that the market share is favorable toward smoke- free rentals.<sup>iv</sup>

### Properties Already Converting

- ◆ A recent survey of 256 San Mateo County property owners indicated broad adoption of some kind of smoke-free policy at their rental properties.



- ◆ Those owners who have adopted policies rated reducing fire hazards and improving tenant health as the top two benefits for adopting smoke-free policies.

### Decrease Liability

Most tenants find secondhand smoke entering their residence from a neighboring apartment to be an annoyance and a discomfort, but for some it can cause a serious illness. Health conditions and disabilities may worsen with exposure to secondhand smoke. Residents may seek legal action under the Federal Fair Housing Act, requiring reasonable accommodations in their building.<sup>viii</sup> Landlords who ignore the issue of smoking face a growing likelihood of lawsuits.

### Average Apartment Turnover Costs

|              | Non Smoker   | Light Smoker   | Heavy Smoker   |
|--------------|--------------|----------------|----------------|
| Cleaning     | \$240        | \$500          | \$720          |
| Paint        | \$170        | \$225          | \$480          |
| Flooring     | \$50         | \$350          | \$1,425        |
| Appliances   | \$60         | \$75           | \$490          |
| Bathroom     | \$40         | \$60           | \$400          |
| <b>TOTAL</b> | <b>\$560</b> | <b>\$1,810</b> | <b>\$3,515</b> |

\*Data reflects surveys from housing authorities and subsidized housing facilities in New England. Collected and reported by Smoke-Free Housing New England, 2009.

In collaboration with the California Apartment Association, a 2011 study showed that the most recently vacated smoking unit **cost the owner an average of \$4935 to turn over.**<sup>vi</sup>

### It is legal

There is no constitutional right to smoke, therefore it is legal to restrict smoking anywhere on your property as no Federal, State or local law prohibits property owners from implementing a smoke-free policy.<sup>v</sup>

### New CA Law Defines Rights

Although it has always been legal for landlords to prohibit smoking in their apartment complexes, SB 332 specifically states that authority in state law, which takes effect January 1, 2012.<sup>vii</sup>

### Reduce the Risk of Fires

Smoking significantly increases fire hazard. In fact, reports indicate in 2007 there were 18,900 residential fires in the U.S that were related to smoking materials, costing owners \$327 million in property loss.<sup>ix</sup>



**Remember, smoke-free policies are about the smoke, not the smoker. Smoke-free policies do not preclude someone who smokes from living in the building; rather, they simply require that all tenants abide by the policy while on the property.**

### **Reduce Litter**

Cigarette butts are the #1 form of litter in the U.S. Each year about 135 million pounds of butts are littered on the ground.<sup>x</sup> Adopting smoke-free policies can reduce the amount of cigarette butts littered and the costs of cleaning. Additionally, it can help improve the appearance of the property.



### **Decrease Tenant Conflict**

Secondhand smoke may seep from one unit to another unit through cracks, shared ventilation system and can also enter into the living space of another, bothering and physically affecting non-smoking tenants.<sup>xi</sup> Managers and owners are often drawn into the conflict between tenants and are asked to resolve it. Clear expectations can be stated in the lease to avoid these conflicts.

### **Get the Facts**



- ◆ Secondhand smoke is not just a nuisance; according to the Environmental Protection Agency and the U.S. Surgeon General, it is a substance known to cause cancer in humans for which there is no safe level of exposure.<sup>xii</sup>
- ◆ Reports indicate that children who are exposed to secondhand smoke are at an increased risk for sudden infant death syndrome, more severe asthma, and slowed lung growth.
- ◆ Let's help protect those children and elderly persons who can not protect themselves. Contact the Tobacco Prevention Program for information or support (650) 573-3777.

## **California Apartment Association, Tri-County Division**

“Over the last decade, there has been a dramatic change in Californian’s expectations regarding exposure to environmental tobacco smoke. Recent surveys indicate that over 80 percent of renters in California prefer housing with smoke free areas. In response to member inquiries and to enable the industry to address the resident demand voluntarily, CAA has made available an Addendum for Tobacco Smoke Free Areas. This form allows certain common areas, certain units, or the entire property to be designated as smoke free.”

(Letter from Joshua Howard, Executive Director of California Apartment Association, Tri-County Division to Menlo Park Mayor, 3/10/10)

<sup>i</sup> Capital Insurance Group <http://www.ciginsurance.com/insurance/liability/smoke-free-credit>

<sup>ii</sup> California Smoke-free Apartments [www.smokefreeapartments.org](http://www.smokefreeapartments.org)

<sup>iii</sup> Smoke-free Housing New England <http://smoke-freehousingnewengland.health.officelive.com/resources.aspx>

<sup>iv</sup> 2008 Community Assessment, Health and Quality of Life in San Mateo County

<sup>v</sup> Smoke-free Environments Law Project <http://www.tcsg.org/sfelp/home.htm>

<sup>vi</sup> Estimates of Smoking-Related Property Costs in California Multiunit Housing <http://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2011.300170>

<sup>vii</sup> SB 332 Authorizing Landlords to Prohibit Smoking in Rental Units <http://www.center4tobaccopolicy.org/BillSearch.aspx?menu=id|5015>

<sup>viii</sup> Smoke-free Environments Law Project <http://www.tcsg.org/sfelp/home.htm>

<sup>ix</sup> Hall (2006). The Smoking Material Fire Problem. Quincy, MA: National Fire Protection Association.

<sup>x</sup> State’s Smoking Rate Falls to Record Low <http://californiawatch.org/dailyreport/states-smoking-rate-falls-record-low-7621>

<sup>xi</sup> Utah Smoke-free Apartment and Condominium Guide <http://health.utah.gov/tobacco/aptcondoguide.html>

<sup>xii</sup> US Surgeon General <http://www.surgeongeneral.gov/library/secondhandsmoke/factsheets/factsheet1.html>

**Tobacco Prevention Program**  
2000 Alameda de las Pulgas  
Suite 200  
San Mateo, CA 94403  
(650) 573-3777



ORDINANCE NUMBER \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF BELMONT REGULATING SECONDHAND SMOKE AND AMENDING CHAPTER 20.5 OF THE BELMONT MUNICIPAL CODE**

The City Council of the City Belmont does hereby ordain as follows:

**SECTION I. FINDINGS.** The City Council of the City of Belmont hereby finds and declares as follows:<sup>1</sup>

WHEREAS, the City Council finds the proposed amendments to be Categorically Exempt pursuant to CEQA Section 15308 – *Actions of Regulatory Agencies for the Protection of the Environment*; and,

WHEREAS, tobacco use and exposure to secondhand smoke cause death and disease and impose great social and economic costs, as evidenced by the following:

- more than 440,000 people die in the United States from tobacco-related diseases every year, making it the nation’s leading cause of preventable death;<sup>2</sup> and
- secondhand smoke is responsible for an estimated 38,000 deaths among non-smokers each year in the United States, which includes 3,000 lung cancer deaths and 35,000 deaths due to heart disease;<sup>3</sup> and
- secondhand smoke exposure adversely affects fetal growth with elevated risk of low birth weight and increased risk of Sudden Infant Death Syndrome (SIDS) in infants of mothers who smoke;<sup>4</sup> and
- secondhand smoke exposure causes as many as 300,000 children in the United States under the age of 18 months to suffer lower respiratory tract infections, such as pneumonia and bronchitis;<sup>5</sup> exacerbates childhood asthma; and increases the risk of acute, chronic, middle-ear infections in children;<sup>6</sup> and

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<sup>1</sup> Each of the authorities identified in this draft ordinance is available on-line or may be obtained from the Technical Assistance Legal Center.

<sup>2</sup> U.S. Dep’t of Health and Human Servs., Centers for Disease Control and Prevention, *Annual Smoking – Attributable Mortality, Years of Potential Life Lost, and Economic Costs – United States 1995-1999* MORBIDITY AND MORTALITY WEEKLY REPORT, 51(14), at 300-303 (2002), available at <http://www.cdc.gov/mmwr/PDF/wk/mm5114.pdf> (last accessed March 23, 2005).

<sup>3</sup> Nat’l Cancer Inst., *NCI Health Information Tip Sheet for Writers: Secondhand smoke*, available at <http://www.cancer.gov/newscenter/tip-sheet-secondhand-smoke> (last accessed February 28, 2005).

<sup>4</sup> Cal. Env’tl. Prot. Agency, Office of Env’tl Health Hazard Assessment, *Health Effects of Exposure to Environmental Tobacco Smoke, Final Report ES-5* (1997), available at <http://www.oehha.org/pdf/chapter4.pdf> (last accessed December 21, 2006).

<sup>5</sup> U.S. Dep’t of Health and Human Servs., Centers for Disease Control and Prevention, *Targeting Tobacco Use: The Nation’s Leading Cause of Death 2002*, at 2 (2004), available at [http://www.cdc.gov/nccdphp/aag/aag\\_osh.htm](http://www.cdc.gov/nccdphp/aag/aag_osh.htm) (last accessed October 18, 2006).

<sup>6</sup> U.S. Dep’t of Health and Human Servs., Centers for Disease Control and Prevention, *Exposure to*

- the medical and economic costs to nonsmokers suffering from lung cancer or heart disease caused by secondhand smoke are nearly \$6 billion per year in the United States;<sup>7</sup> and
- the total annual cost of smoking in California was estimated at \$475 per resident or \$3,331 per smoker per year, for a total of nearly \$15.8 billion in smoking-related costs in 1999 alone;<sup>8</sup> and

WHEREAS, secondhand smoke is consistently identified as an extremely dangerous substance, as evidenced by the following:

- the United States Environmental Protection Agency has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen;<sup>9</sup> and
- the U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke;<sup>10</sup> and
- the California Air Resources Board has put secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure;<sup>11</sup> and
- the California Environmental Protection Agency has included secondhand smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm;<sup>12</sup> and
- only 5 minutes of exposure to secondhand smoke causes the main artery carrying blood from the heart to the body, the aorta, to stiffen as much as if the person had

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*Environmental Tobacco Smoke and Cotinine Levels — Fact Sheet* (2004), available at [http://www.cdc.gov/tobacco/research\\_data/environmental/factsheet\\_ets.htm](http://www.cdc.gov/tobacco/research_data/environmental/factsheet_ets.htm) (last accessed October 18, 2006).

<sup>7</sup> American Academy of Actuaries, *Costs Associated with Secondhand Smoke*, October, 2006, available at [http://www.actuary.org/pdf/health/smoking\\_oct06.pdf](http://www.actuary.org/pdf/health/smoking_oct06.pdf) (last accessed October 11, 2006).

<sup>8</sup> Wendy Max, Dorothy P. Rice, Xiulan Zhang, Hai-Yen Sung, Leonard Miller, Cal. Dept. of Health Servs., *The Cost of Smoking in California, 1999*, at 76 (2002), available at <http://www.dhs.ca.gov/tobacco/documents/pubs/CostOfSmoking1999.pdf> (last accessed October 18, 2006).

<sup>9</sup> U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Exposure to Environmental Tobacco Smoke and Cotinine Levels — Fact Sheet* (2004), available at [http://www.cdc.gov/tobacco/research\\_data/environmental/factsheet\\_ets.htm](http://www.cdc.gov/tobacco/research_data/environmental/factsheet_ets.htm) (last accessed October 18, 2006).

<sup>10</sup> U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General* 11 (2006), available at <http://www.surgeongeneral.gov/library/secondhandsmoke/report/chapter1.pdf> (last accessed Sept. 19, 2006).

<sup>11</sup> Cal. Air Resources Bd., Resolution 06-01, at 5 (Jan. 26, 2006), available at <http://www.arb.ca.gov/regact/ets2006/res0601.pdf> (last accessed Oct. 6, 2006).

<sup>12</sup> Cal. Env'tl. Prot. Agency, Office of Env'tl. Health Hazard Assessment, *Chemicals Known to the State to Cause Cancer or Reproductive Toxicity*, at 8 and 17 (Aug. 11, 2006), available at [http://www.oehha.ca.gov/prop65/prop65\\_list/files/P65single081106.pdf](http://www.oehha.ca.gov/prop65/prop65_list/files/P65single081106.pdf) (last accessed Oct. 6, 2006).

actually smoked a cigarette, thereby causing the heart to work harder to pump blood;<sup>13</sup> and

- 30 minutes of exposure to secondhand smoke reduces the arterial function of a nonsmoker's circulatory system to that of an active smoker's, increasing the nonsmoker's risk of heart disease;<sup>14</sup> and
- Exposure to outdoor secondhand smoke may present a hazard under certain conditions of wind and smoker proximity.<sup>15</sup>

WHEREAS, state law prohibits smoking in virtually all indoor places of employment reflecting the state policy to protect against the dangers of exposure to secondhand smoke;<sup>16</sup> and

WHEREAS, conventional air cleaning systems can remove large particles, but not the smaller particles or the gases found in secondhand smoke; and<sup>17</sup>

WHEREAS, state law prohibits smoking in playgrounds and tot lots and within 20 feet of the main entrances and exits of public buildings while expressly authorizing local communities to enact additional restrictions;<sup>18</sup> and

WHEREAS, cigarette butts pose a health threat to young children, as evidenced by the following:

- in 2004, American poison control centers received nearly 8,000 reports of children poisoned by the ingestion of cigarette butts;<sup>19</sup> and

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<sup>13</sup> C. Stefanadis et al., *Unfavorable Effects of Passive Smoking on Aortic Function in Men*, ANNALS OF INTERNAL MEDICINE 128(6), 426-34 (Mar. 15, 1998).

<sup>14</sup> Terry F. Pechacek & Stephen Babb, *How Acute and Reversible are the Cardiovascular Risks of Secondhand Smoke?*, BRITISH MEDICAL JOURNAL (April 24, 2004), available at <http://www.bmj.com/cgi/content/full/328/7446/980#REF21>. Ryo Otsuka, MD et al., *Acute Effects of Passive Smoking on the Coronary Circulation in Healthy Young Adults*, JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION 284 (4), 436-441 (July 25, 2001), available at [http://jama.ama-assn.org/cgi/content/abstract/286/4/436?ijkey=bb98316bf9d977d6204b0330f4ecc2f8cae6ac6e&keytype=tf\\_ipsecs](http://jama.ama-assn.org/cgi/content/abstract/286/4/436?ijkey=bb98316bf9d977d6204b0330f4ecc2f8cae6ac6e&keytype=tf_ipsecs)  
[ha](http://jama.ama-assn.org/cgi/content/abstract/286/4/436?ijkey=bb98316bf9d977d6204b0330f4ecc2f8cae6ac6e&keytype=tf_ipsecs)

<sup>15</sup> Neil E. Klepeis, Wayne R. Ott, and Paul Switzer, *Real-Time Measurement of Outdoor Tobacco Smoke Particles*, AIR & WASTE MANAGEMENT ASSOCIATION, VOLUME 57 (May 1, 2007)

<sup>16</sup> Cal. Lab. Code § 6404.5 (West 2003).

<sup>17</sup> U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006. Available at [http://www.cdc.gov/tobacco/sgr/sgr\\_2006/index.htm](http://www.cdc.gov/tobacco/sgr/sgr_2006/index.htm)

<sup>18</sup> Cal. Health & Safety Code § 104495 (West 2003) and Cal. Gov't Code § 7596 (West 2004).

<sup>19</sup> Am. Ass'n of Poison Control Ctr. *Annual Report of the Toxic Exposure Surveillance System* at 645 (2004), available at <http://www.aapcc.org/Annual%20Reports/04report/AJEM%20-%20AAPCC%20Annual%20Report%202004.pdf> (last accessed October 23, 2006).

- children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging;<sup>20</sup> and

WHEREAS, cigarette butts are a major and persistent source of litter, as evidenced by the following:

- it is estimated that over two billion cigarette butts are discarded every day worldwide, and that Americans alone discard more than 175 million pounds of cigarette butts every year;<sup>21</sup> and
- cigarette butts are often cast onto sidewalk and streets, and frequently end up in storm drains that flow into streams, rivers, bays, lagoons and ultimately the ocean;<sup>22</sup> and
- cigarette butts, made of plastic cellulose acetate, take approximately 15 years to decompose;<sup>23</sup> and

WHEREAS, creating smokefree areas helps protect the 86% of Californians who are non-smokers;<sup>24</sup> and

WHEREAS, a majority of Californians favor limitations on smoking in multi-unit residences, as evidenced by the following:

- 67% of apartment renters, apartment owners, and managers favor limiting smoking in outdoor common areas of apartment buildings;<sup>25</sup> and
- 69% of apartment renters approve of apartment complexes offering non-smoking sections;<sup>26</sup> and
- 57% of apartment owners and managers favor a law mandating non-smoking units in every building;<sup>27</sup> and

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<sup>20</sup> U.S. Dep't of Health and Human Servs., Center for Disease Control and Prevention, *Ingestion of Cigarettes and Cigarette Butts by Children – Rhode Island, January 1994-July 1996*, MORBIDITY AND MORTALITY WEEKLY REPORT at 125-128 (1997), available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/00046181.htm> (last accessed October 18, 2006).

<sup>21</sup> Surfrider Foundation, San Diego Chapter, *Hold on to Your Butt!: Our Beaches and Streets are Not Your Ashtray*, at <http://www.surfridersd.org/hotyb.php> (last accessed October 18, 2006).

<sup>22</sup> Surfrider Foundation, San Diego Chapter, *Hold on to Your Butt!: Our Beaches and Streets are Not Your Ashtray*, at <http://www.surfridersd.org/hotyb.php> (last accessed October 18, 2006).

<sup>23</sup> Surfrider Foundation, San Diego Chapter, *Hold on to Your Butt!: Our Beaches and Streets are Not Your Ashtray*, at <http://www.surfridersd.org/hotyb.php> (last accessed October 18, 2006).

<sup>24</sup> Tobacco Control Section, Cal. Dep't of Health Servs., *Adult Smoking Prevalence*, at 1, available at <http://www.dhs.ca.gov/tobacco/documents/pubs/AdultSmoking06.pdf> (last accessed October 18, 2006).

<sup>25</sup> Ctr. For Tobacco Policy and Org., Am. Lung Ass'n of Cal., *Statewide Tobacco Renter Study* (2004), available at [http://www.californialung.org/thecenter/community/documents/SFH-Survey-Data\\_001.doc](http://www.californialung.org/thecenter/community/documents/SFH-Survey-Data_001.doc) (last accessed March 4, 2005).

<sup>26</sup> Tobacco Control Section, Cal. Dep't of Health Servs., *2004 Field Research Poll Results* at 16 (2004), available at <http://www.dhs.ca.gov/tobacco/documents/2004TCSupdate.pdf> (last accessed March 4, 2005).

<sup>27</sup> Ctr. For Tobacco Policy and Org., Am. Lung Ass'n of Cal., *Statewide Survey of California Apartment Owners and Managers* (2005), available at

- 46% of apartment renters have experienced secondhand smoke drifting into their units;<sup>28</sup> and

WHEREAS, a local ordinance that authorizes residential rental agreements to include a prohibition on smoking of tobacco products within rental units is not prohibited by state law;<sup>29</sup> and

WHEREAS, the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the preeminent U.S. standard-setting body on ventilations issues, has concluded that ventilation systems cannot remove secondhand smoke from indoor environments;<sup>30</sup>

WHEREAS, lighted tobacco products caused an estimated 14,450 residential fires in the United States in 2002 resulting in 520 deaths, 1,330 injuries, and \$371 million in residential property damage;<sup>31</sup> and

WHEREAS, California law declares that anything which is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance;<sup>32</sup> and

WHEREAS, local governments have broad latitude to declare nuisances and are not constrained by prior definitions of nuisance;<sup>33</sup> and

WHEREAS, there is no Constitutional right to smoke;<sup>34</sup> and

NOW THEREFORE, it is the intent of the City Council, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking around non-smoking individuals, especially children; by protecting the public from nonconsensual exposure to secondhand smoke where they live, work, and play; by lessening tobacco-related litter; by reducing the potential for children to wrongly associate

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<http://www.californialung.org/thecenter/documents/CenterSmokefreeApartmentsOwnersSurveyJune2005.doc> (last accessed December 21, 2006).

<sup>28</sup> Ctr. For Tobacco Policy and Org., Am. Lung Ass'n of Cal., *Statewide Tobacco Renter Study* (2004), available at [http://www.californialung.org/thecenter/community/documents/SFH-Survey-Data\\_001.doc](http://www.californialung.org/thecenter/community/documents/SFH-Survey-Data_001.doc) (last accessed March 4, 2005).

<sup>29</sup> Cal. Legislative Counsel Op., 21547, *Secondhand Smoke in Multi-Unit Housing (Apartments & Condos) Smoking Bans: Residential Rental Property*, (September 23, 1999).

<sup>30</sup> American Society of Heating, Refrigerating and Air-Conditioning Engineers. *Environmental Tobacco Smoke: Position Document*. Atlanta, Georgia: American Society of Heating, Refrigerating and Air-Conditioning Engineers, 2005.

<sup>31</sup> U.S. FIRE ADMINISTRATION/NATIONAL FIRE DATA CENTER, U.S. DEPT. OF HOMELAND SECURITY, RESIDENTIAL SMOKING FIRES AND CASUALTIES, TOPICAL FIRE RESEARCH SERIES, VOLUME 5 – ISSUE 5, at 1 (June 2005), available at <http://www.usfa.dhs.gov/downloads/pdf/tfrs/v5i5.pdf> (last accessed Jan. 30, 2007).

<sup>32</sup> Cal. Civil Code § 3479 (Deerings 2005).

<sup>33</sup> *In Re Jones*, 56 Cal.App.2d 658, 663 (1943). See also, Cal. Const., art. XI, § 7 and Cal. Gov. Code § 38771 (Deerings 2005).

<sup>34</sup> Technical Assistance Legal Ctr., Pub. Health Inst., *There Is No Constitutional Right to Smoke* (2004), available at [http://talc.phlaw.org/pdf\\_files/0051.pdf](http://talc.phlaw.org/pdf_files/0051.pdf) (last accessed April 8, 2005).

smoking and tobacco with a healthy lifestyle; and by affirming and promoting the family atmosphere of the City's public places.

**SECTION II.** Chapter 20.5 of the City of Belmont's Municipal Code is hereby amended to read as follows:

**Sec. 1. DEFINITIONS.** The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

(a) "Business" means any sole proprietorship, partnership, joint venture, corporation, association, or other entity formed for profit-making purposes or that has an Employee, as defined in this section.

(b) A "Common Interest Development" means a development as defined in California Civil Code Section 1351(c), which includes condominium projects (including projects commonly known as townhomes or townhouses), community apartment projects, a planned development, or a stock cooperative.

(c) "Employee" means any person who is employed; retained as an independent contractor by any Employer, as defined in this section; or any person who volunteers his or her services for an Employer, association, nonprofit, or volunteer entity.

(d) "Employer" means any person, partnership, corporation, association, nonprofit or other entity who employs or retains the service of one or more persons, or supervises volunteers.

(e) "Landlord" means any Person who owns real property leased as residential property, any Person who lets residential property, or any Person who manages such property, except that "Landlord" does not include sublessors.

(f) "Multi-Unit Residence" means a building or portion thereof that contains more than one dwelling Unit including but not limited to apartments, Common Interest Development, senior citizen housing, nursing homes, and single room occupancy hotels.

(g) "Multi-Unit Residence Common Area" means any indoor or outdoor area of a Multi-Unit Residence accessible to and usable by residents of different Units, including but not limited to halls and stairwells, paths, lobbies, laundry rooms, common cooking areas, outdoor eating areas, play areas, swimming pools, and parking areas.

(h) "Nonprofit Entity" means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this section.

(i) “Person” means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity except the City of Belmont.

(j) “Place of Employment” means any area under the legal or de facto control of an Employer, Business or Nonprofit Entity that an Employee or the general public may have cause to enter in the normal course of operations, but regardless of the hours of operation, including, but not limited to: construction sites, taxis, employee lounges and breakrooms, conference and banquet rooms, bingo and gaming facilities, long-term health facilities, warehouses, retail and wholesale tobacco shops, and private residences that are used as child care or health care facilities subject to licensing requirements.

(k) “Public Place” means any place, public or private, open to members of the general public regardless of any fee or age requirement, including, for example, plazas, parking lots, malls, stadiums, parks, playgrounds, farmers markets, fairs, and taxis.

(l) “Service Area” means any area designed to be or regularly used by one or more persons to receive or wait to receive a service, enter a public place, or make a transaction whether or not such service includes the exchange of money, including but not limited to ATMs, bank teller windows, telephones, ticket lines, bus stops, and cab stands.

(m) “Significant Tobacco Retailer” means any tobacco retailer that derives seventy-five percent (75%) or more of gross sales receipts from the sale or exchange of Tobacco Products and Tobacco paraphernalia.

(n) “Smoking” or to “Smoke” means possessing a lighted tobacco product, lighted tobacco paraphernalia, or any other lighted weed or plant (including but not limited to, a lighted pipe, lighted hookah pipe, lighted cigar, or lighted cigarette of any kind), or the lighting of a tobacco product, tobacco paraphernalia, or any other weed or plant (including but not limited to, a pipe, a hookah pipe, cigar, or cigarette of any kind).

(o) “Tobacco Product” means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

(p) “Unit” means: (1) a dwelling space consisting of essentially complete independent living facilities for one or more persons, including, for example, permanent provisions for living and sleeping, and any private outdoor spaces such as balconies, decks, and patios; and (2) senior citizen housing and single room occupancy hotels, as defined in California Health and Safety Code section 50519(b)(1), even where lacking private cooking facilities or private

plumbing facilities. "Unit" does not include lodging in a hotel or motel that meets the requirements set forth in California Civil Code section 1940(b)(2).

## **Sec. 2. SECONDHAND SMOKE GENERALLY**

For all purposes within the City of Belmont, nonconsensual exposure to secondhand smoke is a nuisance, and the uninvited presence of secondhand smoke on property is a nuisance and a trespass.

## **Sec. 3. SMOKING PROHIBITIONS**

(a) Smoking shall be prohibited in the following indoor and outdoor places within the City of Belmont, except in places listed in subsection (b) below:

(1) Public Places;

(2) Places of Employment; and

(3) Multi-Unit Residence Common Areas; except that a Landlord or Common Interest Development may designate a portion of the outdoor area a Smoking area. A designated Smoking area:

(i) must be located at least 20 feet from any operable window or door used by the public of an indoor area of a Multi-Unit Residence where Smoking is prohibited;

(ii) must not include, and must be at least 20 feet from, outdoor areas primarily used by children including, but not limited to, areas improved or designated for play or swimming;

(iii) must be no more than twenty-five percent (25%) of the total outdoor area of the premises for which it is designated;

(iv) must have a clearly marked perimeter;

(v) must be identified by conspicuous signs; and

(vi) must not overlap with any area in which Smoking is otherwise prohibited by this chapter or other provisions of this Code, state law, or federal law.

(4) Individual Units of Multi-Unit Residences, if such Units share at least one common floor or ceiling with another such Unit.

(5) Service Areas;

(b) Unless otherwise prohibited by law, Smoking is not restricted by this chapter in the following places:

(1) By performers during theatrical productions, if smoking is an integral part of the story in the theatrical production;

(2) Detached single-family homes and the lots they are sited on, except those used as a child care or health care facility subject to licensing requirements;

(3) Up to ten percent (10%) of hotel and motel guest rooms, if the hotel or motel permanently designates particular guest rooms as nonsmoking rooms such that ninety percent (90%) or more of its guest rooms are nonsmoking and ashtrays and matches are permanently removed from such nonsmoking rooms. Permanent “no smoking” signage shall be posted in nonsmoking rooms;

(4) Significant tobacco retailers, if at all times minors are prohibited from entering the store;

(5) Individual Units of Multi-Unit Residences which do not share any common floors or ceilings with any other such Unit;

(6) Any City-designated outdoor Smoking areas;

(7) Automobiles;

(8) On streets and sidewalks, unless being used as outdoor workplaces or at City-sponsored events such as parades and fairs.

(c) Nothing in this chapter shall be construed to prohibit Smoking in any area in which such Smoking is already prohibited by state or federal law unless the applicable state or federal law does not preempt additional local regulation.

#### **Sec. 4. PHASE-IN PERIOD FOR NON-SMOKING UNITS IN MULTI-UNIT RESIDENCES**

A Unit shall not be subject to the Smoking restrictions in Section 3(a)(4) until fourteen (14) months after the effective date of this chapter, or until the legal occupants on the effective date of this chapter vacate the Unit, whichever occurs first.

#### **Sec. 5. REQUIRED LEASE TERMS**

(a) For legal occupants on the effective date of this chapter, lease or rental agreement renewals for the occupancy of a Unit in a Multi-Unit Residence in which smoking is prohibited shall include:

(1) a clause stating that Smoking is prohibited in the Unit if the Unit has been designated as a non-smoking Unit ;

(2) a clause stating that it is a material breach of the lease or agreement to (i) violate any law regulating Smoking while on the premises; (ii) Smoke in violation of a non-smoking lease term, such as smoking in a non-smoking Unit; or (iii) Smoke in any Multi-Unit Residence Common Area in which Smoking is prohibited by the Landlord; and

(3) a clause stating that all lawful occupants of the Multi-Unit Residence are express third-party beneficiaries of the above required clauses.

(4) a clause stating that terms 1 – 3 become effective fourteen (14) months after the effective date of this chapter, unless the Landlord specifies an earlier effective date;

(b) For new tenants not in occupancy on the effective date of this chapter, every lease or other rental agreement for the occupancy of a Unit in a Multi-Unit Residence in which smoking is prohibited shall include:

(1) a clause stating that Smoking is prohibited in the Unit if the Unit has been designated as a non-smoking Unit;

(2) a clause stating that it is a material breach of the lease or agreement to (i) violate any law regulating Smoking while on the premises; (ii) Smoke in violation of a non-smoking lease term, such as smoking in a non-smoking Unit; or (iii) Smoke in any Multi-Unit Residence Common Area in which Smoking is prohibited by the Landlord; and

(3) a clause stating that all lawful occupants of the Multi-Unit Residence are express third-party beneficiaries of the above required clauses.

(c) The lease or agreement terms required by subsection (a) or (b) are hereby incorporated by force of law into any lease or other agreement for the occupancy of a Unit in a Multi-Unit Residence made on or after the effective date of the ordinance which adopted this section and which does not fully comply with subsection (a) or (b).

(d) A tenant who breaches the Smoking regulations of a lease or knowingly allows another person to do so shall be liable to: (i) the Landlord; and (ii) to any lawful occupant of the Multi-Unit Residence who is exposed to secondhand smoke as a result of that breach. A Landlord shall not be liable to any person for a tenant's breach of Smoking regulations if the Landlord has fully complied with subsection (a).

(e) Failure to enforce any Smoking regulation of a lease or agreement on one or more occasions shall not constitute a waiver of the lease or agreement provisions required by this ordinance and shall not prevent future enforcement of any such Smoking regulation on another occasion.

## **Sec. 6. REASONABLE SMOKING DISTANCE REQUIRED—20 FEET**

(a) Smoking in outdoor areas shall be prohibited within 20 feet of an entrance or exit used by the public, or operable window of an indoor area in which smoking is prohibited, except while actively passing on the way to another destination and so long as smoke does not enter any indoor area in which smoking is prohibited.

(b) Smoking in outdoor areas shall be prohibited within 20 feet from any outdoor area in which smoking is prohibited by this chapter except while actively passing on the way to another destination.

## **Sec. 7. PROHIBITIONS AND DUTIES GENERALLY**

(a) No Person, Employer, Business, Nonprofit Entity, Landlord, or Common Interest Development shall knowingly permit the Smoking of Tobacco Products in an area which is under the legal or de facto control of the Person, Employer, Business, Nonprofit Entity, Landlord, or Common Interest Development and in which Smoking is prohibited by law and the Person, Employer, Business, Nonprofit Entity, Landlord, or Common Interest Development is not otherwise compelled to act under state or federal law.

(b) No Person, Employer, Business, Nonprofit Entity, Landlord, or Common Interest Development shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area which is under the legal or de facto control of the Person, Employer, Business, Nonprofit Entity, Landlord, or Common Interest Development and in which Smoking is prohibited, including, without limitation, inside the perimeter of any Reasonable Distance required by this chapter.

(c) Notwithstanding any other provision of this chapter, any owner, Employer, Business, Nonprofit Entity, Landlord, Common Interest Development or other Person who controls any property, establishment, Place of Employment, Public Place, or Multi-Unit Residence regulated by this chapter may declare any part of such area in which Smoking would otherwise be permitted to be a nonsmoking area.

(d) “No Smoking” signs, with letters of no less than one inch in height or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle crossed by a red bar) shall be clearly, sufficiently, and conspicuously posted in every indoor and outdoor place in which Smoking is prohibited by this chapter, by the Person, Employer, Business, Nonprofit Entity, Landlord, or Common Interest Development that has legal or de facto control of such place. At least one sign with the City of Belmont phone number where complaints can be directed must be conspicuously posted in every place in which Smoking is prohibited. For purposes of this chapter, the City Manager or designee shall be responsible for the posting of signs in regulated facilities owned or leased in part by the City of Belmont. Notwithstanding this provision, the presence or absence of signs shall not be a defense to the violation of any other provision of this chapter.

## **Sec. 8. MEDICAL MARIJUANA**

Notwithstanding any other provision of this chapter, Smoking marijuana for medical purposes as permitted by California Health and Safety Code sections 11362.7 *et seq.* in any Unit of a Multi-Unit Residence is not prohibited by this chapter. Notwithstanding the forgoing, such use of marijuana may be prohibited by other provisions of this Code, state law, or federal law.

## **Sec. 9. PENALTIES AND ENFORCEMENT**

(a) The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

(b) Each violation of this chapter by a Person because of the Person's Smoking is an infraction subject to a one hundred dollar (\$100) fine. Other violations of this chapter constitute misdemeanors punishable as provided in Section 1-8 of the Belmont Municipal Code or may, in the discretion of the City Attorney, be prosecuted as infractions if the interests of justice so require. Any peace officer or code enforcement official may enforce this chapter.

(c) Violations of this chapter are subject to a civil action brought by the City, punishable by a civil fine not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) per violation.

(d) No Person shall intimidate, harass, or otherwise retaliate against any Person who seeks to attain compliance with this chapter. Moreover, no Person shall intentionally or recklessly expose another Person to secondhand smoke in response to that Person's effort to achieve compliance with this chapter. Violation of this subsection shall constitute a misdemeanor.

(e) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.

(f) Any violation of this chapter is hereby declared to be a nuisance.

(g) In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the City Attorney, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

**SECTION III. STATUTORY CONSTRUCTION & SEVERABILITY.** It is the intent of the City Council of the City of Belmont to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or

unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Belmont hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION IV: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION V: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\* \* \* \* \*

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

AYES, COUNCILMEMBERS: \_\_\_\_\_

NOES, COUNCILMEMBERS: \_\_\_\_\_

ABSENT, COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN, COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
Mayor of the City of Belmont

ATTEST:

\_\_\_\_\_  
Clerk of the City of Belmont

# San Mateo County Jurisdiction Tobacco/Smoking Policies --- Last Updated: October 7, 2015

Click the underlined jurisdiction name with a "\*" symbol to access the jurisdiction's Smoking or Tobacco Retail Permit Policy.

|  |   |  |  |
|--|---|--|--|
| <p><b>PARKS</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Atherton (rooms in parks)*</a></li> <li>• <a href="#">Belmont*</a></li> <li>• <a href="#">Burlingame</a></li> <li>• <a href="#">Daly City*</a></li> <li>• <a href="#">Menlo Park*</a></li> <li>• <a href="#">South San Francisco*</a></li> <li>• <a href="#">Unincorporated Areas*</a></li> </ul>   | <p><b>BEACHES</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Daly City</a></li> <li>• <a href="#">Pacifica*</a></li> <li>• <a href="#">Unincorporated Areas</a></li> </ul> <p><b>OUTDOOR EATING AREA</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Belmont</a></li> <li>• <a href="#">Daly City</a></li> <li>• <a href="#">Foster City (50%)*</a></li> <li>• <a href="#">Menlo Park</a></li> <li>• <a href="#">San Mateo*</a></li> <li>• <a href="#">South SF (on City-owned property if designated by City Manager)</a></li> </ul>  | <p><b>SPORTS FIELDS, ACTIVITIES, &amp; OTHER CITY EVENTS</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Belmont</a></li> <li>• <a href="#">Burlingame</a></li> <li>• <a href="#">Daly City</a></li> <li>• <a href="#">Foster City (enclosed sports arenas &amp; convention halls)</a></li> <li>• <a href="#">Hillsborough (enclosed meeting/public assembly place)*</a></li> <li>• <a href="#">Menlo Park</a></li> <li>• <a href="#">Millbrae (enclosed)*</a></li> <li>• <a href="#">Redwood City (enclosed)*</a></li> <li>• <a href="#">San Carlos (enclosed)</a></li> <li>• <a href="#">San Mateo (enclosed)</a></li> <li>• <a href="#">South San Francisco</a></li> </ul>             | <p><b>HOTELS/MOTELS</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Belmont (not restricted in up to 10% of hotel/motel guest rooms)</a></li> <li>• <a href="#">Burlingame (mtg/banquet rooms during food/beverage functions or exhibit purposes)</a></li> <li>• <a href="#">Daly City (not restricted in up to 10% of hotel/motel guest rooms)</a></li> <li>• <a href="#">East Palo Alto (not more than 50% of lobby/registration area)</a></li> <li>• <a href="#">Foster City (at least 50% of rooms)</a></li> <li>• <a href="#">Menlo Park (common areas of single room occupancy hotels)</a></li> <li>• <a href="#">Millbrae (enclosed &amp; at least 51% lodging rooms)</a></li> <li>• <a href="#">Redwood City (enclosed public places &amp; mtg rooms. Not regulated in rooms rented to guests)</a></li> <li>• <a href="#">San Carlos (enclosed public places)</a></li> <li>• <a href="#">San Mateo (public places &amp; at least 50% lodging rooms)</a></li> <li>• <a href="#">South SF (smoking permitted in up to 65%)</a></li> </ul> |
| <p><b>MULTI-UNIT RESIDENCE COMMON AREAS</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Belmont</a></li> <li>• <a href="#">Burlingame*</a></li> <li>• <a href="#">Daly City</a></li> <li>• <a href="#">East Palo Alto (elevators)*</a></li> <li>• <a href="#">Foster City</a></li> <li>• <a href="#">Menlo Park</a></li> <li>• <a href="#">San Carlos*</a></li> <li>• <a href="#">San Mateo</a></li> <li>• <a href="#">South SF (enclosed)</a></li> <li>• <a href="#">Unincorporated Areas</a></li> </ul> | <p><b>TOBACCO RETAIL PERMIT</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Brisbane*</a></li> <li>• <a href="#">Colma*</a></li> <li>• <a href="#">Daly City*</a></li> <li>• <a href="#">East Palo Alto*</a></li> <li>• <a href="#">Menlo Park*</a></li> <li>• <a href="#">Millbrae*</a></li> <li>• <a href="#">Pacifica*</a></li> <li>• <a href="#">Portola Valley*</a></li> <li>• <a href="#">Redwood City*</a></li> <li>• <a href="#">San Bruno*</a></li> <li>• <a href="#">San Carlos*</a></li> <li>• <a href="#">San Mateo*</a></li> <li>• <a href="#">South San Francisco*</a></li> <li>• <a href="#">Unincorporated Areas*</a></li> </ul> | <p><b>TICKET AREA, INDOOR OR SHELTERED BOARDS, WAITING AREAS OF PUBLIC TRANSIT DEPOTS</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Belmont</a></li> <li>• <a href="#">Burlingame (enclosed)</a></li> <li>• <a href="#">Daly City</a></li> <li>• <a href="#">Foster City (enclosed)</a></li> <li>• <a href="#">Menlo Park</a></li> <li>• <a href="#">Millbrae (enclosed)</a></li> <li>• <a href="#">Redwood City (maximum 50% waiting area as smoking area &amp; separate waiting areas of equal size for smokers &amp; nonsmokers)</a></li> <li>• <a href="#">San Carlos</a></li> <li>• <a href="#">San Mateo (enclosed)</a></li> <li>• <a href="#">Woodside (enclosed)</a></li> </ul> | <p><b>SERVICE LINES</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Belmont</a></li> <li>• <a href="#">Burlingame (indoor service lines)</a></li> <li>• <a href="#">Daly City</a></li> <li>• <a href="#">East Palo Alto (enclosed business establishments)</a></li> <li>• <a href="#">Foster City (indoor service lines)</a></li> <li>• <a href="#">Hillsborough</a></li> <li>• <a href="#">Menlo Park</a></li> <li>• <a href="#">Millbrae (enclosed)</a></li> <li>• <a href="#">Redwood City (enclosed)</a></li> <li>• <a href="#">San Carlos (enclosed)</a></li> <li>• <a href="#">San Mateo</a></li> <li>• <a href="#">Woodside (enclosed)</a></li> </ul>  |
| <p><b>INDIVIDUAL UNITS IN MULTI-UNIT HOUSING</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Belmont (share floor or ceiling)</a></li> <li>• <a href="#">Burlingame</a></li> <li>• <a href="#">Daly City (condos exempt)</a></li> <li>• <a href="#">Foster City</a></li> <li>• <a href="#">San Mateo</a></li> <li>• <a href="#">Unincorporated Areas</a></li> </ul>   | <p><b>SIDEWALKS</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Daly City (in or adjacent to common interest developments, apartment, shopping centers, &amp; commercial properties w/ retail establishments, except while actively passing to another destination)</a></li> <li>• <a href="#">Foster City (except those adjacent to single-family homes)</a></li> </ul>   | <p><b>CHEMICAL STORAGE AREAS</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Atherton</a></li> </ul>  | <p><b>TOBACCO RETAILER SHOPS</b></p> <ul style="list-style-type: none"> <li>• <a href="#">San Bruno</a></li> </ul>   |
| <p><b>E-CIGARETTES, VAPES, ETC.</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Daly City</a></li> <li>• <a href="#">Foster City</a></li> <li>• <a href="#">South San Francisco (City properties, parks &amp; recreation areas, &amp; Downtown Core)</a></li> <li>• <a href="#">San Mateo</a></li> <li>• <a href="#">Unincorporated Areas</a></li> </ul>  | <p><b>TOBACCO SAMPLING/COUPONS</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Daly City</a></li> <li>• <a href="#">Unincorporated Areas</a></li> </ul>  | <p><b>TOBACCO-FREE PHARMACIES</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Daly City</a></li> </ul>  | <p><b>LAGOONS AND WATERWAYS</b></p> <ul style="list-style-type: none"> <li>• <a href="#">San Mateo</a></li> </ul>  |



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

**DATE:** January 12, 2016

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Connie Jackson, City Manager

**SUBJECT:** Review and Make City Councilmember Assignments to City Council Subcommittees, as Liaisons to City Citizen Advisory Committees, Commissions and Boards, and as Representatives on County and Regional Agencies

### **BACKGROUND:**

Each calendar year the City Council confirms assignment of each City Councilmember to serve as a City Council liaison to the City Council subcommittees, as liaisons to citizen advisory Committees, Commissions and Boards and as representatives on County and Regional agencies. The purpose of the City Council liaison assignments are to support coordination between the citizen advisory bodies and the City Council in the establishment and implementation of City Council policy. The schedule of City Council liaison assignments rotates annually, as originally established by the City Council in 2006.

### **DISCUSSION:**

As the City Council representative on regional agency boards, City Councilmembers participate in the formation of policy and implantation of projects that have a region/county wide impact. The list of the current City Councilmember liaison assignments is included as an attachment to this report and is being brought forward as it currently exists, as an opportunity for the City Council to discuss, confirm and/or consider any desired adjustment to the assignments. With the November, 2015 City Council election, new City Councilmember Marty Medina has joined the City Council in the seat previously held by Michael Salazar. Former Councilmember Salazar represented the City as a member of the Peninsula Clean Energy Advisory Committee that is charged with review and establishment of a new Community Clean Energy Program in San Mateo County. This group is expected to become the governing board for the Clean Energy Purchasing Agency once formed in the next 2-3 months.

The City Council has also used subcommittees consisting of two Councilmembers each to support a variety of City Council policy issues and to provide review and recommendations on issues that will be presented to the City Council for action. These ad hoc City Council subcommittees meet on an as-needed, and in most cases, infrequent basis. Examples of topics considered through City Council ad hoc subcommittees over the past year include discussion on Capital Improvement Program Projects Implementation and the Cable Enterprise Fund.

Under State law (the Brown Act), the City Council may establish subcommittees consisting of less than a quorum of the full Council to review and discuss City business in two ways. (1) A temporary advisory subcommittee, or "ad hoc" subcommittee may be established to serve a

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limited or single purpose. A temporary advisory subcommittee may meet more than one time, but it is expected to be dissolved once the specific task is completed. Such a subcommittee is not subject to the Brown Act's requirements for public notice and the opportunity for public participation. (2) A subcommittee which is assigned a continuing subject matter jurisdiction is considered by the Brown Act to be a "standing committee". The Brown Act's requirements for public notice of meetings and the opportunity for public participation apply to standing subcommittees even if the subcommittee is comprised of less than a quorum of the full City Council.

The City Council has previously established four standing subcommittees on the following topics and has assigned the following Councilmembers:

**Climate Change/Sustainability:** O'Connell/Ruane

**Utilities:** O'Connell/Salazar

**Surface Infrastructure:** Ibarra/R.Medina

**Cable:** O'Connell/Ruane

Meetings of these subcommittees are publically noticed pursuant to the Brown Act. Staff is recommending that the City Council review and confirm the rotational liaison assignments, the standing subcommittee assignments and the regional agency assignments. In order to assist with the continuing need for periodic involvement of a City Council subcommittee on various topics, staff recommends that the City Council also continue the City's long-standing practice of the Mayor's appointment of two Councilmembers to ad-hoc subcommittees as needed throughout the year.

**FISCAL IMPACT:**

There is no direct or anticipated fiscal impact of the proposed action to confirm City Councilmember liaison, subcommittee, county and regional assignments.

**RECOMMENDATION:**

Review and make City Councilmember assignments to City Council subcommittees, as liaisons to city citizen advisory committees, commissions and boards, and as representatives on county and regional agencies

**ALTERNATIVES:**

1. Do not continue the standing subcommittees or liaison process.
2. Make changes to the standing subcommittees or the City Councilmember Liaison assignments as presented for 2016-2019

**ATTACHMENTS:**

1. City Councilmember Standing Committee, Regional Agency and Liaison Assignments

**DISTRIBUTION:**

None



## COUNCIL STANDING COMMITTEES

- \* **Climate Change/Sustainability:** O'Connell/Ruane
- \* **Surface Infrastructure:** Ibarra/R.Medina
- \* **Utilities:** O'Connell/Salazar
- \* **Cable:** Ruane/O'Connell

## 2015 – 16 COUNTY & REGIONAL AGENCIES

- **Advanced Life Support** – Joint Powers Board (ALS) – Meet as scheduled  
**Representative:** Councilmember O'Connell
- **Affordable Housing Task Force** (*Closing the Gap* - County) – Meet as scheduled  
**Representative:** Councilmember Ibarra
- **Airport Community Roundtable** – Meet 1<sup>st</sup> Wednesday of the month  
**Representative:** Councilmember Ibarra      **Alternate:** Councilmember R.Medina
- **Airport Land Use Committee** (ALUC) – Meet 2<sup>nd</sup> Thursday of the month  
**Representative:** Councilmember Ibarra      **Alternate:** Councilmember R.Medina
- **Association of Bay Area Governments** (ABAG) (Regional) – Meet as scheduled  
**Representative:** Councilmember R.Medina      **Alternate:** Mayor Ruane
- **Bay Area Water Supply and Conservation Agency** (BAWSCA) (Regional) – Meet Quarterly  
**Representative:** Councilmember O'Connell      **Alternate:** None
- **City/County Association of Governments** (CCAG) – Meet 2<sup>nd</sup> Thursday of the month  
**Representative:** Councilmember O'Connell      **Alternate:** Mayor Ruane
- **City/County Association of Governments** (CCAG) Bicycle and Pedestrian Committee – Meets 6 times per year - **Representative:** Councilmember Ibarra
- **Colma Creek Flood Control District** (Regional) - Meet as scheduled (Citizen Representative)  
**Representative:** Councilmember O'Connell
- **Grand Boulevard Initiative Task Force** – Meets Quarterly - **Representative:** Councilmember Ibarra
- **League of California Cities/Peninsula Division** (Regional) – Meet as scheduled  
**Representative:** Councilmember O'Connell
- **Peninsula Clean Energy Advisory Committee** (County) – Meet 4<sup>th</sup> Thursday of the month (through February 2016)  
**Representative:** Councilmember Salazar
- **Peninsula Traffic Congestion Relief Alliance** - Meet monthly  
**Representative:** Mayor Ruane      **Alternate:** Councilmember R.Medina
- **San Mateo County Mosquito Abatement District** – (Regional) Meet as scheduled (Citizen Representative)  
**Representative:** Robert Riechel

- **San Mateo County Council of Cities** – Meet 4<sup>th</sup> Friday of the month  
**Representative:** Councilmember O’Connell      **Alternate:** Councilmember Ibarra
  
- **San Mateo County Operational Area Emergency Services Council** – Meet quarterly  
**Representative:** Councilmember R.Medina      **Alternate:** Councilmember Ibarra
  
- **San Mateo County Transportation Authority** – Meet 1<sup>st</sup> Thursday of the month  
**Representative:** Councilmember Ibarra
  
- **Sea Level Rise Vulnerability Assessment Policy Advisory Committee** (County) – Meet as scheduled  
**Representative:** Councilmember O’Connell
  
- **Sustainable Communities Strategy/RHNA Policy Advisory Committee:** Councilmember O’Connell
  
- **System Advisory Board/Peninsula Library System** (Citizen Rep.) – Meet quarterly  
**Representative:** Monica Ocon

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## LOCAL LEGISLATORS

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|  |  |   |
|--|--|---|
| US Senator Jerry Hill                          | 13 <sup>th</sup> Senate District<br>1528 South El Camino Real, #303, San Mateo 94402 | (650) 212-3313<br>(650) 212-3320 Fx     |
| Congresswoman Jackie Speier                    | 155 Bovet Road, #780, San Mateo 94402  | (650) 342-0300<br>(650) 375-8270 Fx     |
| Assemblyman Kevin Mullin                       | 1528 S. El Camino Real, #302, San Mateo 94402  | (650) 349-2200<br>(650) 341-4676 Fx     |
| Seth Miller<br>Regional Public Affairs Manager | League of California Cities  | (415) 595-8629<br>seth_miller@yahoo.com |

## CITY COUNCIL APPOINTED CITIZEN ADVISORY COMMITTEES

### City Council Liaison

|   | 2016      | 2017      | 2018      | 2019      | 2020      |
|---|-----------|-----------|-----------|-----------|-----------|
| Planning Commission                     | Ibarra    | Ruane     | O'Connell | R.Medina  | M.Medina  |
| Parks and Recreation Commission         | M.Medina  | Ibarra    | Ruane     | O'Connell | R.Medina  |
| Senior Citizens Advisory Board          | M.Medina  | Ibarra    | Ruane     | O'Connell | R.Medina  |
| Culture and Arts Commission             | R.Medina  | M.Medina  | Ibarra    | Ruane     | O'Connell |
| Personnel Board                         | R.Medina  | M.Medina  | Ibarra    | Ruane     | O'Connell |
| Citizens Crime Prevention Committee     | O'Connell | R.Medina  | M.Medina  | Ibarra    | Ruane     |
| Community Preparedness Committee        | O'Connell | R.Medina  | M.Medina  | Ibarra    | Ruane     |
| Traffic, Safety & Parking Committee     | Ruane     | O'Connell | R.Medina  | M.Medina  | Ibarra    |
| Bicycle & Pedestrian Advisory Committee | Ruane     | O'Connell | R.Medina  | M.Medina  | Ibarra    |

-- Rotations Occur Each Year in December --



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

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**DATE:** January 12, 2016

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Connie Jackson, City Manager

**SUBJECT:** Receive Report and Provide Direction to Staff Regarding an Application for Funding to Establish a Downtown and Transit Stations Shuttle Service

### **BACKGROUND:**

In mid-December, the San Mateo City and County Association of Governments (C/CAG) circulated a call for grant funding applications for local community shuttle programs that are designed to assist residents and employees to travel within San Mateo County or to connect with a regional transportation service (major SamTrans routes, Caltrain, BART, ferries). A total of \$10 million in funding is available over the fiscal year 2016-18 two year grant cycle for applicants in San Mateo County.

Eligible applicants are local jurisdictions and/or public agencies within San Mateo County. Local jurisdictions and/or public agencies must be the applicant for the funds; however, they may use other entities such as SamTrans, the Peninsula Traffic Congestion Relief Alliance (Commute.org) or others to manage and/or operate the service. Employers and private entities are not eligible to apply directly, however they may partner with a local jurisdiction or public agency which would be the applicant.

The program generally makes funding available to start new local transportation services, augment existing services, or to continue projects previously funded under the Congestion Relief Plan and/or the Measure A Sales Tax Local Shuttle Program. Shuttles funded through this program must be open to the general public and must conform to all applicable federal, state and local laws and regulations.

In order to qualify for funding, the project sponsor must provide a minimum of 25% of the total cost of the program. The source of matching funds is at the discretion of the project sponsor, although matching funds must not be C/CAG funds. San Mateo County Transportation Authority (TA) Measure A Local Streets and Transportation funds may be used as matching funds. Funds from other TA Measure A programs are not eligible as matching funds. Direct costs for operations, marketing and administration of shuttles are eligible for reimbursement.

Applications are due to the TA by 4:00 pm on February 12, 2016. Following submittal, applications will be reviewed through the TA Citizen Advisory Committee (CAC), the C/CAG Congestion Management Program Technical Advisory Committee (TAC) and the C/CAG Congestion Management and Environmental Quality Committee (CMEQ). Final grant award decisions will be made by the TA Board of Directors and the C/CAG Board of Directors in May.

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**DISCUSSION:**

Over the past several weeks Vice Mayor Medina has been in touch with staff about his interest for the City to make an application for a new shuttle program in the City to serve primarily the downtown and connections to the Caltrain and BART stations to promote the use of public transit and supplement the services that are otherwise available in the community. In coordination with Jeffrey Tong, a member of the City's Bicycle and Pedestrian Advisory Committee, he has done preliminary work to develop a proposed shuttle route and schedule and has been in communication with SamTrans, Commute.org and others regarding technical information and assistance in developing a grant application.

In addition to the SamTrans local bus service and the Caltrain and BART regional public transportation services available in the San Bruno community, there is existing shuttle service between the Bayhill office park and BART/Caltrain operated by Walmart.com and Google/YouTube. These shuttles are available to the public.

Staff received the initial C/CAG call from grant projects but did not independently pursue consideration to prepare a grant application for this program because the City has not been involved as a direct provider of transportation services previously, there has been no previous discussion or direction by the City Council on this topic and the City's initiative as a provider of transportation services has not been identified in any manner as a desired City priority. Staff has provided some limited guidance on this topic and has had some discussion with SamTrans and Commute.org staff to obtain information about the program and its requirements.

The purpose of this agenda item is to allow Vice Mayor Medina to introduce his ideas and interest regarding the possibility for the City to pursue an application for this program. Staff requests that the City Council provide comments and direction on this topic in order to identify if this should become a staff work item going forward.

**FISCAL IMPACT:**

The shuttle grant program requires local public agency grant applicants to commit to providing a 25% match to cover the full cost of the shuttle service. Although no precise cost estimates for a proposed shuttle program are currently available, some preliminary calculations done by Commute.org staff at the request of Vice Mayor Medina indicate that total costs could be approximately \$475,000 annually for the type and frequency of service proposed by the Vice Mayor.

The City Council has not made any previous consideration of a shuttle program and no funding is currently available through the City's current approved budget to cover the cost of the grant's required matching funds. Although a commitment for grant matching funding would be required at the time of the application, staff anticipates that actual expenditures for the shuttle program, if funded and established, would not be incurred until late 2016. With this schedule funds would need to be budgeted in the fiscal year 2016-17 and 2017-18 budgets. The estimated amount of the City matching funds requirement based on the current estimate of \$475,000 annually for shuttle service would be about \$120,000 for each of the two years of grant funded shuttle operations. Following the two year grant cycle, the City would need to either seek additional grant funding, commit to funding the entire cost of the program or discontinue the service.

**RECOMMENDATION:**

Receive report and provide direction to staff regarding an application for funding to establish a downtown and transit stations shuttle service.

**ALTERNATIVES:**

1. Direct staff to bring this issue back for City Council consideration.
2. Direct staff to not pursue this issue.

**ATTACHMENTS:**

None

**DISTRIBUTION:**

None



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

**DATE:** January 12, 2016

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Kerry Burns, Community Services Director  
Daniel Barros, Parks Field Supervisor

**SUBJECT:** Adopt Resolution Waiving the Competitive Bidding Process and Authorizing the City Manager to Execute a Contract in the Amount of \$159,949 with GameTime, a Preferred Supplier Partner of U.S. Communities, for the Replacement and Installation of the Play Structure at Commodore Park

### **BACKGROUND:**

Between 2004 and 2007, the City successfully applied for and received State grant funding to replace play structures throughout City parks. As part of this replacement program, the swings, track ride structure, and volleyball area at Commodore Park were renovated. The only play structure not replaced during this time period was the relatively new play structure located at Commodore Park which had been installed in 2000. As these grants were related to the Stimulus Package developed during the recession, these grants are no longer available.

As part of the 2015-16 Capital Improvement Program Budget, the City Council approved a project to replace the Commodore play structure and rubberized surface and \$160,000 in funding from the Capital Improvement Reserve.

### **DISCUSSION:**

Commodore Park is San Bruno's second largest park and one of the preferred destinations for picnics, ball games, and other recreational and leisure activities. It is centrally located near the Bayhill Office Park, close to shopping, multi-family housing, and provides easy access to Interstates 280 and 380. In addition to Greenberg Field, there is a volleyball area, track ride structure, swing set, three picnic areas which are routinely reserved by the community, and a play structure.

The 15 year-old play structure at Commodore Park is showing signs of age and wear. Areas of the rubber-coated metal landings are worn through and reveal the metal structure. This exposed metal is rusting and is creating weak points which will compromise the structural integrity of the play structure. Over the past several years, repairs have been required. Due to the age of the equipment, it has become increasingly difficult to locate replacement parts. Additionally, the existing surface material surrounding the play structure is engineered wood fiber. This material deteriorates over time and requires constant attention to insure adequate surface coverage to meet fall-protection rating requirements.

With the adoption of the CIP Budget, staff began the process of developing a list of equipment components for the new play structure at Commodore Park. In keeping with the nautical theme

of Commodore Park's name, staff developed a play structure which looks like a ship. In configuring a play structure, a wide assortment of design objectives can be achieved. A structure can be designed to look like a ship, castle, dinosaur, futuristic, aquarium, forest or several other designs. Care was taken by staff to select pieces which are otherwise required for the overall configuration of the structure to look like ship design elements. No additional cost is associated in doing so. In addition to the usual assortment of climbing and sliding pieces, the body of the structure looks like the hull of a ship, has two schooner climber crows nests which will be embossed with the City of San Bruno logo, portholes, an anchor, and is branded with the name of SS Commodore. There is sufficient room adjacent to the play structure for an additional climbing structure. Under both the play structure and climbing structure there will be a poured-in-place rubberized safety surface. Conceptual drawings of the play and climbing structures is provided in Attachment No. 3.

State law and the City's purchasing ordinance generally require a competitive bidding process for the procurement and installation work. However, Municipal Code Chapter 2.44 Purchasing and Bidding Procedures, Section 2.44.030(a) Exceptions states as follows: "The purchasing officer may authorize in writing any other governmental agency or city department to purchase or contract for specified supplies, services, and equipment independently of the purchasing department. He or she shall ensure that such purchase or contracts by other governmental agencies be made in conformance with the procedures established by state law and that such purchases or contracts by city departments are made in conformance with this chapter." The City of San Bruno is a member of U.S. Communities, a government purchasing cooperative. GameTime, staff's preferred play equipment provider and installer, is a preferred supplier partner of U.S. Communities, and as such, the City has an existing contractual relationship with this vendor.

Between 2004 and 2007 when the City undertook the replacement of play equipment throughout City parks, the City selected GameTime as the preferred vendor to provide and install the new play equipment. As well as being a contractual affiliate of the City of San Bruno through U.S. Communities, GameTime was selected based on cost, quality, and operational efficiency. Standardizing the play equipment throughout all City parks facilitates more efficient and effective maintenance, offers a higher standard of safety by requiring staff to know only one play structure product type to inspect and maintain, and allows for the interchangeability of parts as circumstances are warranted.

Staff has secured a quote from GameTime for the desired play equipment and fall protection surface. GameTime's total quote for the equipment, installation, freight, and tax is \$159,949.45. To validate the financial reasonableness of this quote, staff requested a second quote from Playworld, a GameTime competitor. Playworld's quote totaled \$158,133.95 and did not include a comparable climbing structure or comparable play components on the play structure.

At its meeting on December 2, 2015, the Parks and Recreation Commission was asked for its input on the design concept for the play and climbing structures. The Commission was pleased with the design and requested no alterations or additions.

**FISCAL IMPACT:**

The contract amount of \$159,949.45 will be funded through the existing approved appropriation contained within the approved Fiscal Year 2015-16 Capital Improvement Program Budget.

**ALTERNATIVE:**

1. Do not waive the competitive bidding process and bid the project through the formal bidding process.

**RECOMMENDATION:**

Adopt resolution waiving the competitive bidding process and authorizing the City Manager to execute a contract in the amount of \$159,949 with GameTime, a Preferred Supplier Partner of U.S. Communities, for the replacement and installation of the play structure at Commodore Park.

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Resolution
2. Fiscal Year 2015-16 Capital Improvement Program Budget Project Information Sheet: Project Number 87103, Commodore Play Structure & Surface Replacement
3. Play Equipment Renderings and Design Layout

**DATE PREPARED:**

December 23, 2015

**REVIEWED BY:**

\_\_\_\_\_ CM

RESOLUTION NO. 2016-\_\_\_\_\_

**ADOPT RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$159,949 WITH GAMETIME, A PREFERRED SUPPLIER PARTNER OF U.S. COMMUNITIES, FOR THE REPLACEMENT AND INSTALLATION OF THE PLAY STRUCTURE AT COMMODORE PARK**

**WHEREAS**, between 2004 and 2007, the City successfully applied for and received State grant funding to replace play structures throughout City parks; and

**WHEREAS**, the only play structure not replaced during this time period was the relatively new play structure located at Commodore Park which had been installed in 2000; and

**WHEREAS**, Commodore Park is San Bruno's second largest park and one of the preferred destinations for picnics, ball games, and other recreational and leisure activities; and

**WHEREAS**, the 15 year-old play structure at Commodore Park is showing signs of age and wear and requires frequent repairs; and

**WHEREAS**, due to the age of the equipment, it has become increasingly difficult to locate replacement parts; and

**WHEREAS**, as part of the 2015-16 Capital Improvement Program Budget, the City Council approved \$160,000 in funding from the Capital Improvement Reserve to replace the Commodore Park play structure and rubberized surface; and

**WHEREAS**, the City of San Bruno is a member of U.S. Communities, a government purchasing cooperative and GameTime is a preferred supplier partner of U.S. Communities, and as such, the City has an existing contractual relationship with this vendor; and

**WHEREAS**, between 2004 and 2007 when the City undertook the replacement of play equipment throughout City parks, the City selected GameTime as the preferred vendor to provide and install the new play equipment; and

**WHEREAS**, other play structures in City parks were supplied and installed by GameTime; and

**WHEREAS**, the City secured a quote from GameTime for the desired play equipment and fall protection surface for \$159,949.45 which includes the play equipment, installation, freight, and tax.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of San Bruno that it resolves to waive the competitive bidding process and authorizing the City Manager to execute a contract in the amount of \$159,949 with GameTime, a Preferred Supplier Partner of U.S. Communities, for the replacement and installation of the play structure at Commodore Park.

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 12th day of January, 2016 by the following vote:

AYES: COUNCILMEMBERS: \_\_\_\_\_

NOES: COUNCILMEMBERS: \_\_\_\_\_

ABSENT: COUNCILMEMBERS: \_\_\_\_\_

## Commodore Play Structure & Surface Replacement

| <u>PROJECT INFORMATION</u>      |                       |
|---------------------------------|-----------------------|
| Origination Year: 2013-14       | Project Number: 87103 |
| Projected Completion Date: 2017 |                       |
| Total Project Cost: \$ 160,000  |                       |

**Project Description:**

This project will replace the existing play structure at Commodore Park which was installed in 2000. Due to its relatively new condition, this was the only play structure not replaced in 2004-05 when the City completed replacement of all of the other park play structures. Today, the structure is cracked and aging. Over the past several years, repairs have been made and individual replacement parts installed. Compatible replacement parts are no longer available.

Additionally, the surface at Commodore Park is slanted. With wind or rain, the wood chips covering the surface blow and wash away into a corner of the playground and away from the area below the play structure. A rubberized surface will allow for a safe and consistent play surface.

**2014-15 Status:**

Completed evaluation of play structure replacement and cost.

**2015-16 Work Plan:**

Evaluation of the replacement structure determined additional funding is necessary to purchase and install a structure with amenities similar to the existing structure. The existing structure will be removed and the new structure and surface installed.

**Project Appropriations:**

**Current Year Appropriations:**

| Funding Source              | Prior<br>Approp. | Estimated<br>Prior<br>Expense | Estimated<br>Carryover<br>Approp. | 2015-16<br>Funding<br>Request | 2015-16<br>Total<br>Funds<br>Available | Total<br>Project<br>Cost |
|-----------------------------|------------------|-------------------------------|-----------------------------------|-------------------------------|--|--------------------------|
| Capital Improvement Reserve | 60,000           | 0                             | 60,000                            | 100,000                       | 160,000                                | 160,000                  |
| <b>Total</b>                | <b>60,000</b>    | <b>0</b>                      | <b>60,000</b>                     | <b>100,000</b>                | <b>160,000</b>                         | <b>160,000</b>           |

**Five-Year Work Program Appropriations:**

| Funding Source              | 2015-16        | 2016-17  | 2017-18  | 2018-19  | 2019-20  | Total<br>Request |
|-----------------------------|----------------|----------|----------|----------|----------|------------------|
| Capital Improvement Reserve | 100,000        | 0        | 0        | 0        | 0        | 100,000          |
| <b>Total</b>                | <b>100,000</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>100,000</b>   |



Commodore Park - San Bruno, CA  
View A



Commodore Park - San Bruno CA  
View B





## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

**DATE:** January 12, 2016

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Jimmy Tan, Acting Public Services Director/City Engineer

**SUBJECT:** Adopt Resolution Authorizing the City Manager to Execute a Contract for Preparation of the Groundwater Sustainability Plan with RMC Water and Environment in an Amount Not to Exceed \$118,903 and Appropriating \$7,500 from the Water Capital Fund

### **BACKGROUND:**

The Westside Basin aquifer underlies the cities of San Francisco, Daly City, Colma, South San Francisco, San Bruno, Millbrae and Burlingame. This basin has provided a reliable water supply for more than a century. The Westside Basin is one aquifer but it is classified as two separate basins by the California Department of Water Resources. The North Westside Basin lies underneath the City and County of San Francisco. The South Westside Basin (Basin) lies within the boundaries of San Mateo County, generally from San Francisco to the southern limits of Burlingame. The northern San Mateo County communities of Daly City, South San Francisco and San Bruno utilize the Basin as a drinking water supply. Private and public entities also extract groundwater for irrigation. In San Bruno, the Basin aquifer has historically provided approximately 50% of the City's water supply, with the balance purchased from the San Francisco Public Utilities Commission (SFPUC).

Over a decade ago, in the early 2000's, the City of San Bruno, the City of Daly City (Daly City), the SFPUC and the California Water Service Company (Cal Water) entered into cooperative discussions about joint management of the South Westside Basin. Last year the partner agencies completed a comprehensive regional Groundwater Storage and Recovery (GSR) agreement as a coordinated strategy for groundwater pumping and sustainable drought management. The same agencies also collaborated to develop a Groundwater Management Plan that was adopted by the San Bruno City Council in July, 2012. This Groundwater Management Plan provides background and recommendations to assist in long term management and monitoring of this groundwater resource.

More recently, San Bruno, Daly City and Cal Water are currently partnering to prepare a Shallow Groundwater Study to improve the overall technical understanding of the shallow groundwater system in the Basin. This Study is being paid for by a State of California AB 303 grant using Local Groundwater Assistance Funds in the amount of \$224,694. The results of this Study will provide a better understanding of the relationship between surface water recharge and deep water supply and also refine the computer model of groundwater flow within the Basin.

In September 2014, California Governor Jerry Brown signed the Sustainable Groundwater Management Act (SGMA), a comprehensive three-bill package that includes AB 1739, SB 1168 and SB 1319 which establishes the framework for statewide long-term sustainable groundwater management by local authorities. The SGMA requires the formation of new local groundwater Sustainability Agencies that must assess conditions in their local water basins and adopt locally-based sustainable management plans. The formation of Sustainability Agencies would empower local agencies to utilize a number of new management tools to achieve their sustainability goals. For example, Sustainability Agencies may require registration of groundwater wells, mandate annual extraction reports from individual wells, impose limits on extractions, and assess fees to support creation and adoption of a Groundwater Sustainability Plan.

This project will formalize the Sustainability Agency for the South Westside Basin and complete a Groundwater Sustainability Plan (Plan) that will be fully compliant with the new legislation. Management of the Basin is best done in a comprehensive, regional manner in part through developing the Plan to help reduce risks to the groundwater supply. Guidelines for specific Plan content are forthcoming from the California Department of Water Resources, however, general Plan requirements have been established through the new legislation's modification of the California Water Code.

#### **DISCUSSION:**

San Bruno has been a leader in groundwater management within the South Westside Basin. Accomplishments to date include the installation of monitoring wells to aid in the detection of potential seawater intrusion from San Francisco Bay, the development of the Groundwater Management Plan (GWMP) and the current development of the Shallow Groundwater Study. San Bruno will continue its leadership role as the City utilizes groundwater for approximately half of its overall water supply.

The final Plan is anticipated to be very similar to the existing GWMP but with additions and modifications to meet the requirements and authorities of the SGMA. The Plan will develop broader actionable objectives related to sustainable management of the Basin including more stringent monitoring of groundwater elevations, water quality, land subsidence and surface water-groundwater interaction, and coordination with land-use agencies to assess new development impacts on groundwater dependent ecosystems.

The Plan will help guide water supply decisions by San Bruno and other groundwater users in the Basin, particularly on the volume of water that should be pumped. The SFPUC is completing their own separate Plan for the north part of the basin and the two Plans will be coordinated to ensure both are using the same data and methodologies. Having a Plan in place will also better position San Bruno in obtaining future grant funding from the State.

Tasks to develop the Plan include Public Outreach that consists of three public meetings and one Public Hearing, and the following six actions:

- Data Collection, Update of Basin Conditions and Update of Groundwater Model;
- Formation of the Groundwater Sustainability Agency;
- Objectives Update;
- Monitoring Update;

- Implementation Measures Update;
- Plan Compilation.

City staff requested that RMC Water and Environment provide a cost proposal to prepare the Plan as they are the most qualified firm, having staff that are well-recognized experts in the water resources field. RMC Water and Environment has also provided technical support to the City of San Bruno for the preparation of both the Groundwater Management Plan and the Shallow Groundwater Study. They have performed hydrogeological assessments to locate new City wells and have established working relationships with the consultant preparing the South Westside Basin Groundwater Flow Model and the Partner Agencies. The firm's staff is also familiar with the Basin's subsurface conditions, which will help the City and our partner agencies, Daly City and Cal Water, complete the Plan in an efficient manner.

The Plan is anticipated to be completed by September 2017.

**FISCAL IMPACT:**

The cost to prepare the Plan is \$118,903. The City will receive pro-rata reimbursement from Daly City and the Cal Water in the amount of \$39,635 each. Since the SFPUC is not a continuous purveyor of groundwater from the South Westside Groundwater Basin, cost participation by them is not included.

The two partner agencies will also be responsible for performing public outreach efforts to their own communities through separate efforts. Funds to cover the completion of the Plan in the amount of \$40,000 was included in the 2015-16 Water Operating Budget. An additional appropriation of \$7,500 from the Water Capital Fund will be required for staff management and public outreach efforts.

**ALTERNATIVES:**

1. Do not authorize award of this contract and defer the project.
2. Direct staff to request proposals from other firms.

**RECOMMENDATION:**

Adopt Resolution Authorizing the City Manager to Execute a contract for preparation of the Groundwater Sustainability Plan with RMC Water and Environment in an amount not-to-exceed \$118,903 and appropriating \$7,500 from the Water Capital Fund.

**ATTACHMENTS:**

1. Resolution

**DISTRIBUTION:**

Ali Taghavi, RMC Water and Environment

**REVIEWED BY:**

\_\_\_\_\_ CM

RESOLUTION NO. 2016 - \_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR PREPARATION OF THE GROUNDWATER SUSTAINABILITY PLAN WITH RMC WATER AND ENVIRONMENT IN AN AMOUNT NOT TO EXCEED \$118,903 AND APPROPRIATING \$7,500 FROM THE WATER CAPITAL FUND**

**WHEREAS**, the Westside Groundwater Basin (Basin) is a critical resource for San Mateo and San Francisco Counties as a local water resource that augments imported water from the Tuolumne River and increases the reliability of local water supplies; and

**WHEREAS**, the City of San Bruno and other water purveyors in the Westside Basin have cooperatively developed a Groundwater Management Plan to provide a robust framework for management of the groundwater basin; and

**WHEREAS**, the City of San Bruno and other water purveyors in the Westside Groundwater Basin are cooperatively developing a Shallow Groundwater Study to further improve the technical understanding of groundwater flow within the Basin, improving conditions for beneficial uses of the City of San Bruno and all users in the Westside Groundwater Basin; and

**WHEREAS**, the State of California enacted the Sustainable Groundwater Management Act in September 2014 that empowers local agencies to adopt Groundwater Sustainability Plans with general plan requirements established through the legislation's modification of the California Water Code; and

**WHEREAS**, the City of San Bruno desires to improve long term management and monitoring of this groundwater resource and better understanding the overall groundwater system by creating a Groundwater Sustainability Plan; and

**WHEREAS**, the proposed Groundwater Sustainability Plan will transform the Groundwater Management Plan by incorporating additions and modifications which may contain increased requirements and authorities available through the Sustainable Groundwater Management Act; and

**WHEREAS**, staff has negotiated a scope of work with RMC Water and Environment to prepare the Groundwater Sustainability Plan in the not to exceed amount of \$118,903; and

**WHEREAS**, RMC Water and Environment has the knowledge and experience to perform the engineering study; and

**WHEREAS**, the City of Daly City and the California Water Service Company, both purveyors of groundwater in the South Westside Basin, have agreed to a pro-rata cost share with the City of San Bruno to prepare the Groundwater Sustainability Plan; and

**WHEREAS**, the project budget of \$40,000 was included in the 2015-16 Capital Improvement Program and additional appropriation of \$7,500 is being requested for staff management and public outreach efforts from the Water Capital Fund.

**NOW, THEREFORE, BE IT RESOLVED** that the San Bruno City Council hereby authorizes the City Manager to execute a contract for preparation of the Groundwater

Sustainability Plan with RMC Water and Environment in an amount not to exceed \$118,903 and appropriates \$7,500 from the Water Capital Fund.

Dated: January 12, 2016

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 12th day of January 2016 by the following vote:

AYES: Councilmembers: \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers: \_\_\_\_\_



City Council Agenda Item  
Staff Report

CITY OF SAN BRUNO

**DATE:** January 12, 2016

**TO:** Honorable Mayor and City Council Members

**FROM:** Jimmy Tan, Acting Public Services Director/City Engineer

**SUBJECT:** Adopt Resolutions Authorizing the City Manager to Submit Applications to the San Mateo County Transportation Authority Measure A Pedestrian and Bicycle Grant Program for:

- El Camino Real/Crystal Springs Road Intersection Improvements
- Tanforan Pedestrian Circulation Improvements Alternative Analysis
- Huntington Avenue/San Antonio Avenue Connection Improvements

**BACKGROUND:**

Developing new and improving existing pedestrian and bicycle networks are major components of the City of San Bruno's Capital Improvement Program (CIP), General Plan, Transit Corridors Plan, and will be further defined in the San Bruno Walk n' Bike Plan. With the support of the City's Bicycle and Pedestrian Advisory Committee (BPAC), the City is working to establish a bicycle and pedestrian network that will promote safety, connectivity, efficiency and convenience for active transportation modes.

The goal of the San Mateo County Transportation Authority (SMCTA) Measure A Pedestrian and Bicycle Program is to support local projects that promote bicycling and walking safety and accessibility, and help to encourage more residents to participate in active methods of transportation. The SMCTA shares the City's goal of establishing bicycling and walking as a sustainable means of transportation that will contribute to reducing daily commute congestion, establishing regional transit connections, reducing vehicle emissions, and meeting local mobility needs.

Based on the direction from the City Council to seek funding opportunities to implement the City's vision, staff submitted grant applications to apply for grant funding through the SMCTA Measure A Pedestrian and Bicycle Call for Projects.

**DISCUSSION:**

Staff has identified three proposed projects that meet the City's policy goals, City Council's priorities and objectives, and are expected to compete well with other applications throughout San Mateo County. The proposed projects are:

- El Camino Real/Crystal Springs Road Intersection Improvements
- Tanforan Pedestrian Circulation Improvements Alternative Analysis
- Huntington Avenue/San Antonio Avenue Connection Improvements

Improvements to the El Camino Real corridor was identified as a major goal in the City's Transit Corridors Plan and the needs assessment report of the Walk n' Bike Plan. One specific area of need, among other intersection improvements, was for streetscape improvements at the intersection of El Camino Real and Crystal Springs Road to increase pedestrian connectivity and safety for people walking home, to school, or to local businesses and the City Civic Center. This project is part of the Grand Boulevard Initiative, a larger regional effort to revitalize the El Camino Real corridor. Improvements such as high-visibility crosswalks, ADA curb ramps, median refuge areas and upgraded traffic timers are proposed to increase safety at the intersection. In the previous Measure A funding cycle, the City was awarded funding for design and construction for improvements to the El Camino Real and Angus Avenue intersection, which is currently in design. Through the Walk n' Bike Plan needs assessment, the El Camino – Crystal Springs intersection was identified as a major pedestrian intersection in need of similar improvements as the El Camino – Angus project.

The concept of a pedestrian bridge overpass that connects The Crossing with the Shops at Tanforan was included as part of the vision for the former Navy site (Crossing/San Bruno) development, as defined in the Navy Site and Environs Specific Plan. This project is included in the City's Capital Improvement Program without any funding allocation at this time and was also included in the City's approved Redevelopment Plan. With the proposed development of the new hotel site, the improvement of this pedestrian connectivity will become even more critical. In order to determine the optimal manner to facilitate safe pedestrian access to the Shops at Tanforan, BART and Caltrain stations, the City is applying for funding to conduct alternatives analysis in order to investigate possible improvements. In the previous Measure A funding cycle, the City applied for this project, which was rated highly in the application review process. However, it was outranked by a few other projects and fell short of the funding threshold. Staff believes that, with the adoption of the Transit Corridors Plan and voter approval of Measure N, this pedestrian connection project can be more competitive as local support for developing the Transit Corridor area has been clearly demonstrated in the last two years.

With the opening of the new Caltrain station, both major regional transit stations for BART and Caltrain are located on Huntington Avenue, approximately half a mile apart. Both City and County planning documents all point to a shortage of bicycle friendly facilities on Huntington and San Antonio Avenue, especially between the BART and Caltrain stations. The proposed funding request is for preliminary planning for bicycle and pedestrian improvements on the streets. Although the stretch of Huntington Avenue between BART and Caltrain is the priority study area, the ultimate goal is to provide a direct connection all the way down to the Millbrae Caltrain/BART hub and possibly use Huntington Avenue as a connector for the San Francisco Bay Trail.

Based on project estimations, the City will request \$198,000 for the El Camino/Crystal Springs intersection improvements project, \$180,000 for the Pedestrian Bridge study and \$108,000 for the Huntington/San Antonio Avenues study. The applications were submitted on December 18, 2015 to meet SMCTA's deadline. As part of the application requirements, SMCTA requests that a separate City Resolution be submitted for each project. In order to ensure that the projects were submitted on time and remain qualified for Measure A

funding, the City Manager signed an endorsement letter for the projects, which the SMCTA accepts as a temporary approval form until resolutions can be obtained. The projects are in line with the Council's goals and priorities of developing the Transit Corridor into a multimodal friendly environment that promotes all forms of active transportation.

**FISCAL IMPACT:**

There is no fiscal impact to submit the aforementioned grant applications. This Measure A funding cycle requires a local City match of 10% for each project of the total project cost. The following table provides a breakdown of the funding request and City match requirement:

| <b>Project</b>   | <b>Measure A Request</b> | <b>Local Match</b> | <b>Total Project Cost</b> |
|--|--------------------------|--------------------|---------------------------|
| El Camino Real/Crystal Springs                           | \$198,000                | \$22,000           | \$220,000                 |
| Pedestrian Bridge Alternative Analysis                   | \$180,000                | \$20,000           | \$200,000                 |
| Huntington Avenue/San Antonio Avenue Connection Planning | \$108,000                | \$12,000           | \$120,000                 |
| <b>TOTAL</b>   | <b>\$486,000</b>         | <b>\$54,000</b>    | <b>\$540,000</b>          |

No allocation request is being made at this time. Should the City be awarded a grant, an allocation request will be brought to the City Council for approval along with the funding agreements. Historically, the City has requested an allocation from either the Measure A Local Streets and Transportation fund or the Gas Tax fund. Public Services staff will work with the Finance Department to recommend the best allocation source should any of the projects be awarded.

**RECOMMENDATION:**

Adopt resolutions authorizing the City Manager to submit applications to the San Mateo County Transportation Authority Measure A Pedestrian and Bicycle Grant Program for:

- El Camino Real/Crystal Springs Road Intersection Improvements
- Tanforan Pedestrian Circulation Improvements Alternative Analysis
- Huntington Avenue/San Antonio Avenue Connection Improvements

**ALTERNATIVES:**

1. Do not adopt the resolutions to submit SMCTA applications, pull submitted applications, and seek alternative funding sources for the proposed projects.
2. Adopt application submission resolutions, but with adjusted local matching contributions.

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Resolution A: Submit Application for El Camino and Crystal Springs Intersection Improvements
2. Resolution B: Submit Application for Tanforan Pedestrian Circulation Improvements Alternative Analysis
3. Resolution C: Submit Application for Huntington Avenue and San Antonio Avenue Connection Improvements

**DATE PREPARED:**

January 7, 2016

**REVIEWED BY:**

\_\_\_\_\_ CM

RESOLUTION NO. 2016- \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE EL CAMINO REAL/CRYSTAL SPRINGS ROAD INTERSECTION IMPROVEMENTS FOR THE SAN MATEO COUNTY TRANSPORTATION AUTHORITY MEASURE A PEDESTRIAN AND BICYCLE PROGRAM**

**WHEREAS**, on June 7, 1988, the voters of San Mateo County approved a ballot measure to allow the collection and distribution by the San Mateo County Transportation Authority (SMCTA) of a half-cent transactions and use tax in San Mateo County for 25 years, with the tax revenues to be used for highway and transit improvements pursuant to the Transportation Expenditure Plan presented to the voters (Original Measure A); and

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

**WHEREAS**, TA issued a Call for Projects for the Measure A Pedestrian and Bicycle Program on November 10, 2015; and

**WHEREAS**, TA requires a governing board resolution from the City in support of the City's application for \$198,000 in San Mateo County Measure A Pedestrian and Bicycle Program funds with a \$22,000 local match for the El Camino Real/Crystal Springs Road intersection improvements; and

**WHEREAS**, TA requires a governing board resolution from the City committing the City to the completion of the El Camino Real/Crystal Springs intersection improvements, including the commitment of any matching funds needed for implementation; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby authorizes the City Manager to submit an application for the El Camino Real/Crystal Springs Road intersection improvements for the SMCTA Measure A Pedestrian and Bicycle Program.

Dated: January 12, 2016

ATTEST:

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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 12th day of January 2016 by the following vote:

AYES: Councilmembers: \_\_\_\_\_

NOES: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers: \_\_\_\_\_

RESOLUTION NO. 2016- \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE TANFORAN PEDESTRIAN CIRCULATION IMPROVEMENTS ALTERNATIVE ANALYSIS FOR THE SAN MATEO COUNTY TRANSPORTATION AUTHORITY MEASURE A PEDESTRIAN AND BICYCLE PROGRAM**

**WHEREAS**, on June 7, 1988, the voters of San Mateo County approved a ballot measure to allow the collection and distribution by the San Mateo County Transportation Authority (SMCTA) of a half-cent transactions and use tax in San Mateo County for 25 years, with the tax revenues to be used for highway and transit improvements pursuant to the Transportation Expenditure Plan presented to the voters (Original Measure A); and

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

**WHEREAS**, TA issued a Call for Projects for the Measure A Pedestrian and Bicycle Program on November 10, 2015; and

**WHEREAS**, TA requires a governing board resolution from the City in support of the City's application for \$180,000 in San Mateo County Measure A Pedestrian and Bicycle Program funds with a \$20,000 local match for the Tanforan Pedestrian Circulation Improvements Alternative Analysis project; and

**WHEREAS**, TA requires a governing board resolution from the City committing the City to the completion of the Tanforan Pedestrian Circulation Improvements Alternative Analysis project, including the commitment of any matching funds needed for implementation; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby authorizes the City Manager to submit an application for the Tanforan Pedestrian Circulation Improvements Alternative Analysis project for the SMCTA Measure A Pedestrian and Bicycle Program Grant.

Dated: January 12, 2016

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 12th day of January 2016 by  
the following vote:

AYES: Councilmembers: \_\_\_\_\_  
NOES: Councilmembers \_\_\_\_\_  
ABSENT: Councilmembers: \_\_\_\_\_

RESOLUTION NO. 2016- \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE HUNTINGTON AVENUE AND SAN ANTONIO AVENUE CONNECTION IMPROVEMENTS FOR THE SAN MATEO COUNTY TRANSPORTATION AUTHORITY MEASURE A PEDESTRIAN AND BICYCLE PROGRAM**

**WHEREAS**, on June 7, 1988, the voters of San Mateo County approved a ballot measure to allow the collection and distribution by the San Mateo County Transportation Authority (SMCTA) of a half-cent transactions and use tax in San Mateo County for 25 years, with the tax revenues to be used for highway and transit improvements pursuant to the Transportation Expenditure Plan presented to the voters (Original Measure A); and

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

**WHEREAS**, TA issued a Call for Projects for the Measure A Pedestrian and Bicycle Program on November 10, 2015; and

**WHEREAS**, TA requires a governing board resolution from the City in support of the City's application for \$180,000 in San Mateo County Measure A Pedestrian and Bicycle Program funds with a \$20,000 local match for the Huntington Avenue and San Antonio Avenue Connection Improvements project; and

**WHEREAS**, TA requires a governing board resolution from the City committing the City to the completion of the Huntington Avenue and San Antonio Avenue Connection Improvements project, including the commitment of any matching funds needed for implementation; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby authorizes the City Manager to submit an application for the Huntington Avenue and San Antonio Avenue Connection Improvements project for the SMCTA Measure A Pedestrian and Bicycle Program Grant.

Dated: January 12, 2016

ATTEST:

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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 12th day of January 2016 by  
the following vote:

AYES: Councilmembers: \_\_\_\_\_  
NOES: Councilmembers \_\_\_\_\_  
ABSENT: Councilmembers: \_\_\_\_\_