

**"The City With a Heart"**



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

## **SPECIAL MEETING AGENDA**

### **CITY COUNCIL CLOSED SESSION**

**February 28, 2012**

**6:00 p.m.**

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

**1. ROLL CALL:**

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

**3. CONDUCT OF BUSINESS:**

Confer with Legal Counsel Regarding Anticipated Litigation (one case) (Cal Gov't Code Section 54956.9 (b)).

**4. ADJOURNMENT:**

The next Regular City Council Meeting will be held on February 28, 2012, at 7:00 pm at the Senior Center, 1555 Crystal Springs Road.

# "The City With a Heart"



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

## AGENDA

### SAN BRUNO CITY COUNCIL

### February 28, 2012

### 7:00 p.m.

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

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 you **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:** Special Council Study Session of February 14, 2012 and Regular Council Meeting of January 14, 2012.
7. **CONSENT CALENDAR:** All items are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by a Councilmember, citizen or staff.
  - a. **Approve:** Accounts Payable of February 6 and 13, 2012.
  - b. **Approve:** Payroll of February 12, 2012.
  - c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated January 31, 2012.
8. **PUBLIC HEARINGS (Notices have been published, posted and mailed):**

Hold Public Hearing, Waive First Reading, and Introduce Ordinance Repealing and Reenacting Chapter 10.12 of the San Bruno Municipal Code Relating to Wastewater Quality Control.
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. Receive Report and Provide Direction to Staff Regarding the Potential Closure of Memory Lane.
- b. Adopt Resolution Approving Property Owner Notice and Protest Process for 2012-13 Garbage Rate Increase Proposed by Recology San Bruno.
- c. Adopt Resolutions as Successor Agency to the San Bruno Redevelopment Agency Approving the Draft First and Second Recognized Obligation Payment Schedules for the Periods of March 1 – June 30, 2012 and July 1 – December 31, 2012 and Affirming the Appointment of Members to the Oversight Board for the Former San Bruno Redevelopment Agency.
- d. Adopt Resolution Approving Mid-Year Budget Amendment for the Fiscal Year 2011-12 General Fund, Special Revenues Funds, Enterprise Funds, and Capital Improvement Program Budgets.
- e. Adopt Resolution Authorizing use of \$100,000 from the Energy Efficiency and Conservation Block Grant for the Energy Efficiency Retrofit and Renewable Energy Program.
- f. Receive Oral Report on Implementation of the City's Sanitary Sewer Overflow (SSO) Reduction Program.
- g. Receive Oral Report on the City's Participation in the Planning Process for Development of Aesthetic Features for the Caltrain Grade Separation.

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

**12. COMMENTS FROM COUNCIL MEMBERS:**

**13. CLOSED SESSION:**

Public Employee Performance Evaluation Pursuant to Government Code Section 54957:  
City Attorney.

**14. ADJOURNMENT:**

The next regular City Council Meeting will be held on March 13, 2012 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

**"The City With a Heart"**



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

**SPECIAL MEETING  
MINUTES  
SAN BRUNO CITY COUNCIL**

**February 14, 2012**

**1. ROLL CALL:** The meeting was called to order at 6:03 p.m. Presiding was Mayor Ruane, Vice Mayor Salazar, Council Members Medina and O'Connell, Vice Mayor Ibarra excused with notice. Recording by Clerk Bonner.

**2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:** None.

**3. CONDUCT OF BUSINESS:**

Review FY 2011-12 Financial Result Impacts Related to the Loss of Redevelopment and Projections for FY 2012-13.

**City Manager Jackson** gave an overview of the presentation before **Finance Director Juran** gave a powerpoint presentation of the General Fund Budget Update for 2011-12 Year-End Projections and 2012-13 Preliminary Estimates.

Discussion took place with Council and staff with no reportable action.

**14. ADJOURNMENT:**

**Mayor Ruane** closed the meeting at 6:55 p.m. The next regular City Council Meeting will Be on February 14, 2012 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval  
at the regular City Council Meeting of  
February 28, 2012

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Carol Bonner, City Clerk

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Jim Ruane, Mayor

# "The City With a Heart"



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

## MINUTES

### SAN BRUNO CITY COUNCIL

February 14, 2012

7:00 p.m.

1. **CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met on February 14, 2012 at the San Bruno Senior Center, 1555 Crystal Springs Rd., San Bruno, CA. The meeting was called to order at 7:00 p.m.
2. **ROLL CALL/PLEDGE OF ALLEGIANCE:** Presiding was Mayor Ruane, Vice Mayor Salazar, Council Members Medina and O'Connell, Vice Mayor Ibarra excused with notice. Recording by Clerk Bonner. **San Bruno's Boy Scout Troop 71** led the Pledge of Allegiance.
3. **ANNOUNCEMENTS:** None.
4. **PRESENTATIONS:** None.
5. **REVIEW OF AGENDA:** No Changes.
6. **APPROVAL OF MINUTES:** Special Council Meetings of January 10, 2012 and January 24, 2012 and Regular Council Meetings of January 10, 2012 and January 24, 2012, approved as submitted with the exception written in the next paragraph.

**Alan Lubke, Fleetwood Dr.** suggested the January 10, 2012 minutes be looked at on Page 3 of 3, Item 10.d., at the end of the sentence, San Bruno City be added before the words Police Investigative Services. He also cited a sentence on Page 3 of 3 where Councilmember Salazar asked how the staffing would work. He suggested the response wording be changed to read Police Chief Telford said one of our existing officers would be taken off the street and a detective position would be created and a detective slot would be open for gaming investigation.

**City Manager Jackson** responded to the comment regarding the adoption of the resolution on the agenda was presented to Council and Council's action is properly reflected in these minutes. She said Mr. Lubke's comment is well taken and will be given consideration going forward. She recommended no change be made and it would be improper to do so. As to Chief Telford's response to Councilmember Salazar's comment, it is up to Council to clarify or correct. The Mayor asked the changes made per Alan Lubke.

**Mayor Ruane** thanked the San Bruno Garden Club for the beautiful floral arrangement.

#### 7. **CONSENT CALENDAR:**

- a. **Approve:** Accounts Payable of January 23 and 30, 2012.
- b. **Approve:** Payroll of January 15, 2012.
- c. **Waive:** Second Reading and Repeal San Bruno Municipal Code Section 2.36.070 through Section 2.36.140 and Amend Section 2.36.150 Relating to the Personnel Board, and Adopt Resolution Revising the Personnel Board By Laws 2.36150.
- d. **Accept:** Letter of Resignation from Bicycle and Pedestrian Committee Member, Declare a Committee Member Vacancy and Direct the City Clerk to Initiate the Process for Appointment of a New Member.

e. **Accept:** Letter of Resignation from Culture and Arts Commission Member, Declare a Committee Member Vacancy and Direct the City Clerk to Initiate the Process for Appointment of a New Member.

f. **Accept:** Letter of Resignation from Citizens Crime Prevention Member, Declare a Committee Member Vacancy and Direct the City Clerk to Initiate the Process for Appointment for a New Member.

**M/S Medina/Salazar** to approve the Consent Calendar and passed with all ayes, with the exception for Item c. where Councilmember Medina asked that the record showed he voted no, Vice Mayor Ibarra was excused with notice.

**Alan Lubke, Fleetwood Dr.** referenced Item 7.b. and requested information on the payroll information he requested two meetings ago on the San Bruno Cable TV Manager's salary. **City Manager Jackson** said that information had been prepared and she would see he receives it.

**Councilmember Salazar** acknowledged Carl Nicolari, Emile Hons and Walter Carrasco for their time served on the committees and thanked them for their service. He said there would be openings on committees coming up. **Clerk Bonner** pointed out the many places information could be found regarding these openings.

8. **PUBLIC HEARINGS:** None.

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

**Alan Lubke, Fleetwood Dr.** observed men soliciting in his neighborhood, discussed police response and follow-up and the necessity for solicitors to get permits from the City Clerk's office.

10. **CONDUCT OF BUSINESS:**

a. Receive Report on the Community Based Transportation Plan and Provide Feedback to The San Mateo City / County Association of Governments (C/CAG).

**Manager, Strategic Development, Sam Trans, Corinne Goodrich** gave a plan overview in a powerpoint presentation of a community based transportation plan for San Bruno and South San Francisco.

**Associate Planner Russell** continued the powerpoint presentation on the strategies that can be made to address transportation needs for both San Bruno and South San Francisco since this is a joint plan and South San Francisco has already accepted it. She asked for feedback for incorporation into the final version.

**Mayor Ruane** asked what interests have been put on the new grade separation. **Goodrich** said it hasn't come up because they are looking at what exists now rather than what is in the future.

**Councilmember Medina** asked how you see this working for San Bruno to acquire grants? **Goodrich** said it has worked for other cities.

**Councilmember Medina** asked if the acceptance of this document confirms San Bruno's being obligated in any financial situation going forward? **Goodrich** said no it doesn't, it provides the City and other agencies with a better reading of what the transportation needs are.

**Councilmember Salazar** asked how the priorities compared with priorities in other areas and are they similar? **Goodrich** said yes.

**Councilmember O'Connell** asked Aknin if they were looking for feedback as outlined in the plan? **Aknin** said they were looking for general feedback on the priorities as they were outlined within the plan. He said there were nine priorities in the plan and asked if that was where Council wanted them to focus or become more involved in as they move forward?

**City Manager Jackson** said they would welcome comments at any point.

**Mayor Ruane** said also said we need signage and a little more concentration on the grade separation.

**Alan Lubke, Fleetwood Dr.** asked why Sam Trans doesn't have a transfer system? He asked if he would be able to take his bike to Oyster Point and take the ferry. **Goodrich** said Sam Trans recently initiated a day pass. She said she believed the ferry service to be implemented is from Alameda to South San Francisco and construction should be complete in four to five weeks. They will be waiting for better weather before the service begins.

b. Receive Report and Provide Direction Regarding Revision of Fats, Oils, and Grease (FOG) Ordinance of the San Bruno Municipal Code (Chapter 10.12) and FOG Program Relating to Water Quality Control.

**City Attorney Zafferano** gave an overview of the staff report regarding Fats, Oils and Grease and asked for questions.

**Councilmember Salazar** asked about the renovations to the water treatment plant. He said previously, fats, oils and grease came up as a potential fuel source and he believed at the time we didn't have enough of a program in place to generate the fats, oils and grease. Is there an opportunity to implement this program? **Public Services Director Fabry** said the goal would be to reduce this fuel available to us, as a result of this program. She said she would follow-up.

**Deputy Director Howard** said part of the upgrading is for the grease to generate more gas and more energy for generators.

**Councilmember Medina** asked if there is an increase in cost to the business owner for more frequent inspections and with more frequent inspections what would the cost be to the City?

**Fabry** said if the business owners comply, more frequent inspections would not result in additional cost. She also said it was not anticipated South San Francisco or San Bruno would experience increased costs.

**Alan Lubke, Fleetwood Dr.** asked acronyms be spelled out.

c. Receive Mid-Year Financial Report as of December 31, 2011 for the 2011-12 General Fund, Special Revenue Funds, Enterprise Funds, and Internal Service Funds Budget.

**Finance Director Juran** gave an overview of the staff report and asked for questions.

**Alan Lubke, Fleetwood Dr.** asked the Mayor what COPS means? On direction from the Mayor, **Juran** explained COPS funding is also referred to as supplemental law officer funds.

**Lubke** asked where is income shown for grant money, is it shown as revenue or income and would the \$15,000 for Firestation 52 from PG&E be shown on the charts? **Juran** said grant monies are put into a special grant revenue fund and the \$15,000 was a prior year transaction. **Lubke** asked if it was treated as revenue last year? **Juran** said yes it would be treated as revenue and she believed that money initially was put into a general fund reserve fund.

**Mayor Ruane** said they had a more thorough briefing on this subject in a study session before this Council meeting.

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

**12. COMMENTS FROM COUNCIL MEMBERS:**

**Councilmember Salazar** commended the Boy Scouts on their behavior during the Council meeting.

**Mayor Ruane** said Council along with staff had a tour of the National Archives a few weeks ago and it was very interesting.

**13. CLOSED SESSION:**

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

a. Confer with Legal Counsel Regarding Anticipated Litigation (one case) (Cal Gov't Code Section 54956.9 (b)).

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

**14. ADJOURNMENT:**

**Mayor Ruane** closed the meeting at 8:15 p.m. The next regular City Council Meeting will Be on February 14, 2012 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval  
at the regular City Council Meeting of  
February 28, 2012

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Carol Bonner, City Clerk

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Jim Ruane, Mayor

02/06/12

CITY OF SAN BRUNO  
WARRANT REGISTER  
TOTAL FUND RECAP

FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$50,243.47
121	FEDERAL/STATE GRANTS	\$850.00
133	RESTRICTED DONATIONS	\$711.69
190	EMERGENCY DISASTER FUND	\$33,724.55
203	STREET IMPROVE. PROJECTS	\$28,520.27
611	WATER FUND	\$622,023.58
621	STORMWATER FUND	\$10.26
631	WASTEWATER FUND	\$607,547.19
641	CABLE TV FUND	\$212,626.37
701	CENTRAL GARAGE	\$4,236.32
702	FACILITY MAINT. FUND	\$5,532.58
707	TECHNOLOGY DEVELOPMENT	\$6,117.42
711	SELF INSURANCE	\$20,884.13
880	PROJECT DEVELOP. TRUST	\$1,412.50
TOTAL FOR APPROVAL		\$1,594,440.33

HONORABLE MAYOR AND CITY COUNCIL:

THIS IS TO CERTIFY THAT THE CLAIMS LISTED ON PAGES NUMBERED FROM 1 THROUGH 3 INCLUSIVE, AND/OR CLAIMS NUMBERED FROM 133080 THROUGH 133211 INCLUSIVE, TOTALING IN THE AMOUNT OF \$1,594,440.33 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

2/10/12  
DATE

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0096852 ABAG PLAN CORPORATION	133081	2/6/2012	14,791.11
0016499 ACTION SPORTS	133082	2/6/2012	2,037.29
0000858 ADECCO EMPLOYMENT SERVICES	133083	2/6/2012	551.66
0000163 AIRPORT AUTO PARTS INC.	133084	2/6/2012	9.17
0017459 ALL CITY MANAGEMENT SVC.INC.	133085	2/6/2012	1,934.40
0095387 ALLEN SIA	133192	2/6/2012	38.00
0018902 ALLGOOD EDUCATION CORPORATION	133086	2/6/2012	60.00
0000082 AMERICAN MESSAGING	133087	2/6/2012	33.93
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0001965 ARISTA BUSINESS	133089	2/6/2012	37.89
0014617 AT&T	133090	2/6/2012	188.68
0016123 AT&T	133091	2/6/2012	1,953.71
0017191 AT&T	133092	2/6/2012	290.45
0017211 AUTOMATIC DOOR SYSTEMS INC	133093	2/6/2012	215.00
0000345 BAKER & TAYLOR BOOKS	133094	2/6/2012	938.28
0096947 BARKER INTERNATIONAL GROUP LLC	133096	2/6/2012	165.52
0001849 BAY AREA WATER SUPPLY & CONSERVATION AGE:	133199	2/6/2012	9,114.25
0102937 CABLE LEAKAGE TECHNOLOGIES	133100	2/6/2012	1,199.00
0017843 CENTRAL COUNTY FIRE DEPT.	133101	2/6/2012	527.24
0016324 CINTAS CORPORATION #464	133102	2/6/2012	102.75
0096053 CINTAS DOCUMENT MANAGEMENT	133103	2/6/2012	45.00
0000060 CITY OF MILLBRAE	133104	2/6/2012	186.65
0013595 CITY OF SAN BRUNO	133105	2/6/2012	701.86
0000386 CITY OF SOUTH SAN FRANCISCO	133106	2/6/2012	589,551.00
0098656 COMPLETE LINEN SERVICE	133107	2/6/2012	147.40
0095511 CONNIE JOHNSON	133146	2/6/2012	39.00
0018691 CPCA	133109	2/6/2012	555.00
0013968 CPOA	133110	2/6/2012	425.00
0093325 CREATIVE INTERCONNECT TELEMAGEMENT	133137	2/6/2012	173.15
0104729 CRESTMOOR AUTO CENTER	133111	2/6/2012	378.02
0095374 DAVID BALLESTRASSE	133095	2/6/2012	276.00
0104693 DEBBIE GRECH	133130	2/6/2012	777.69
0102820 DEBRA HALL	133134	2/6/2012	289.00
0016694 DOWNTOWN FORD SALES	133113	2/6/2012	25,933.54
0018779 DUDLEY PERKINS CO	133114	2/6/2012	307.80
0018804 ECMS, INC.	133115	2/6/2012	197.02
0098185 EDITH KOTLYAR	133150	2/6/2012	38.00
0017899 EMD MILLIPORE CORPORATION	133116	2/6/2012	784.62
0016920 ENVIRONMENTAL SCIENCE ASSOCIATES(ESA)	133187	2/6/2012	1,412.50
0017152 ERLER & KALINOWSKI, INC.	133117	2/6/2012	423.33
0018697 EVIDENT	133119	2/6/2012	39.00
0000944 FEDEX	133120	2/6/2012	86.36
0013714 FIRST NATIONAL BANK	133121	2/6/2012	6,407.69
0102869 FRANCHISE TAX BOARD	133122	2/6/2012	150.00
0104209 G. BORTOLOTTO & CO., INC.	133123	2/6/2012	28,508.58
0104209 G. BORTOLOTTO & CO., INC.	133124	2/6/2012	1,097.26
0103258 GC MICRO CORPORATION	133125	2/6/2012	5,799.73
0016154 GOETZ BROTHERS SPORTING GOODS	133127	2/6/2012	405.94
0000162 GRAINGER	133128	2/6/2012	368.65
0017900 GREAT LAKES DATA SYSTEMS INC	133129	2/6/2012	1,450.00
0096316 GREEN CARPET LANDSCAPING & MAINTENANCE	133152	2/6/2012	1,100.00
0096799 GROUNDWATER RESOURCES ASSOCIATION OF CA	133181	2/6/2012	220.00
0017914 GSWAW INC.	133131	2/6/2012	17,664.60
0015644 INDUSTRIAL WIPER & SUPPLY,INC.	133135	2/6/2012	183.33
0095433 INEZ LE'FORGE	133154	2/6/2012	47.20

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0018838	INFOSEND, INC.	133136	2/6/2012	104.71	
0015531	INTERSTATE BATTERY SYS. OF SF	133140	2/6/2012	659.68	
0099054	INTERSTATE TRS FUND	133141	2/6/2012	347.83	
0000581	IRVINE & JACHENS INC.	133142	2/6/2012	35.00	
0095435	JANET CORCORAN	133108	2/6/2012	13.85	
0104784	JD CESARE CONSTRUCTION	133143	2/6/2012	276.00	
0104724	JEANETT ERRINGTON	133118	2/6/2012	302.25	
0104747	JEFFCO PAINTING & COATING,INC.	133144	2/6/2012	82,440.00	
0102064	JEROME GUTIERREZ	133133	2/6/2012	19.22	
0102119	JOE BAKER	133145	2/6/2012	85.85	
0095436	JONATHAN SMITH	133194	2/6/2012	12.18	
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0018808	KAISER FOUNDATION HEALTH PLAN	133149	2/6/2012	1,130.00	
0095508	KATHRYN MAU	133157	2/6/2012	14.94	
0095501	KENNY MCHOES	133158	2/6/2012	12.61	
0000317	L.N. CURTIS & SONS	133151	2/6/2012	330.49	
0018956	LAVU CONCRETE	133153	2/6/2012	276.00	
0096403	LINDA INTERDONATO	133138	2/6/2012	160.00	
0018177	LOWE'S	133155	2/6/2012	230.92	
0104766	LYNNE A. BUENING	133099	2/6/2012	937.50	
0096796	MARSETTI	133156	2/6/2012	276.00	
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0098249	MEG MURPHY	133165	2/6/2012	144.00	
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0000027	MEYERS   NAVE PROFESSIONAL LAW	133161	2/6/2012	105.84	
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0017813	MILLS-PENINSULA HEALTH SERVICE	133163	2/6/2012	2,680.23	
0000333	MOSS RUBBER & EQUIP. CORP.	133164	2/6/2012	151.53	
0000357	NATIONAL CABLE TV CO-OP, INC.	133167	2/6/2012	201,491.24	
0104783	NORTHGATE ENVIRONMENTAL	133168	2/6/2012	138.00	
0092263	OFFICE DEPOT INC	133169	2/6/2012	1,438.20	
0000210	OLE'S CARBURETOR &ELECTRIC INC	133170	2/6/2012	1,761.25	
0018701	ORKIN INC.	133171	2/6/2012	475.56	
0000012	PACIFIC GAS & ELECTRIC	133172	2/6/2012	38,204.76	
0001154	PENINSULA LIBRARY SYSTEM	133173	2/6/2012	1,432.82	
0095386	PHYLLIS E. BILLA	133098	2/6/2012	47.09	
0016770	PRAXAIR DISTRIBUTION INC - 19	133174	2/6/2012	136.44	
0018383	QOS COMMUNICATIONS	133176	2/6/2012	430.84	
0000071	R & B COMPANY	133177	2/6/2012	1,386.27	
0091044	R.A. METAL PRODUCTS, INC	133178	2/6/2012	61.18	
0017111	RANDOM HOUSE INC	133179	2/6/2012	34.64	
0103784	RANDY SCHWARTZ	133186	2/6/2012	203.61	
0090749	RED WING SHOE STORE	133180	2/6/2012	274.99	
0102821	RENEE WARGO	133080	2/3/2012	500.00	
0095394	RICHARD MURRAY	133166	2/6/2012	38.00	
0096458	RMC WATER AND ENVIRONMENT	133182	2/6/2012	16,390.50	
0095388	ROBERT SANTOS-CUCALON	133185	2/6/2012	10.00	
0095459	ROSELLIE MCSWEENEY	133159	2/6/2012	12.18	
0092153	SAN BRUNO CHAMBER OF COMMERCE	133183	2/6/2012	600.00	
0104691	SAN FRANCISCO FENCERS CLUB	133184	2/6/2012	100.00	
0017518	SAN MATEO COUNTY INTERGOVERNMENTAL&PUBI	133139	2/6/2012	1,000.00	
0017432	SAN MATEO COUNTY PUBLIC SAFETY COMMUNICA	133175	2/6/2012	687.15	
0018461	SERRAMONTE FORD, INC.	133188	2/6/2012	335.21	
0104756	SERVMED ANSWERING SERVICE, INC	133189	2/6/2012	348.60	
0000074	SFPUC - WATER DEPARTMENT	133190	2/6/2012	474,520.11	
0102917	SFPUC FINANCIAL SERVICES	133191	2/6/2012	2,765.00	
0001225	SIERRA PACIFIC TURF SUPPLY,INC	133193	2/6/2012	703.06	

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0018546	SO. CITY FIRE PROTECTION	133195	2/6/2012	60.00	
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0098297	STACEY GUITRON	133132	2/6/2012	200.00	
0017036	STEVEN'S BAY AREA DIESEL SER., INC.	133097	2/6/2012	2,574.93	
0018321	STOEL RIVES LLP	133197	2/6/2012	6.88	
0017016	SUPERCO SPECIALTY PRODUCTS	133198	2/6/2012	396.52	
0095507	THOMAS DEL'CARLO	133112	2/6/2012	11.46	
0097449	THYSSENKRUPP ELEVATOR CORP.	133200	2/6/2012	367.80	
0096945	TODD'S UPHOLSTERY	133201	2/6/2012	200.00	
0000665	TSQ SOLUTIONS	133202	2/6/2012	325.00	
0018665	TUTOR.COM INC.	133203	2/6/2012	850.00	
0018687	TYLER TECHNOLOGIES INC.	133204	2/6/2012	245.09	
0104736	UNITED STATES TREASURY	133205	2/6/2012	1,380.00	
0018502	VALLEY POWER SYSTEMS, INC.	133206	2/6/2012	14.05	
0102988	VANTAGEPOINT TRANSFER AGENTS	133207	2/6/2012	7,809.62	
0104660	WEST YOST ASSOCIATES, INC.	133209	2/6/2012	13,156.50	
0018385	WFCB - OSH COMMERCIAL SERVICES	133210	2/6/2012	689.19	
0016286	WINGFOOT COMMERCIAL TIRE, LLC	133211	2/6/2012	583.18	
			<b>GrandTotal:</b>	<b>1,594,440.33</b>	
			<b>Total count:</b>	<b>132</b>	

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02/13/12

CITY OF SAN BRUNO  
WARRANT REGISTER  
TOTAL FUND RECAP

FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$58,886.36
132	AGENCY ON AGING	\$8,326.50
190	EMERGENCY DISASTER FUND	\$89,089.92
201	PARKS AND FACILITIES CAPITAL	\$2,981.17
203	STREET IMPROVE. PROJECTS	\$33,009.45
611	WATER FUND	\$42,871.13
621	STORMWATER FUND	\$435.34
631	WASTEWATER FUND	\$32,127.70
641	CABLE TV FUND	\$35,742.47
701	CENTRAL GARAGE	\$7,545.68
702	FACILITY MAINT. FUND	\$1,254.63
707	TECHNOLOGY DEVELOPMENT	\$1,508.19
711	SELF INSURANCE	\$6,484.54
TOTAL FOR APPROVAL		\$320,263.08

HONORABLE MAYOR AND CITY COUNCIL:

THIS IS TO CERTIFY THAT THE CLAIMS LISTED ON PAGES NUMBERED FROM 1 THROUGH 3 INCLUSIVE, AND/OR CLAIMS NUMBERED FROM 133212 THROUGH 133327 INCLUSIVE, TOTALING IN THE AMOUNT OF \$320,263.08 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

  
DATE

Document group: dliu Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0017188 3T EQUIPMENT COMPANY INC.	133213	2/13/2012	157.06
0092751 A & D UNLIMITED	133214	2/13/2012	255.73
0096852 ABAG PLAN CORPORATION	133215	2/13/2012	1,049.54
0016499 ACTION SPORTS	133216	2/13/2012	404.03
0000858 ADECCO EMPLOYMENT SERVICES	133217	2/13/2012	834.00
0093358 ADVANCED BUSINESS FORMS	133218	2/13/2012	1,686.69
0001170 AIRGAS NCN	133219	2/13/2012	254.15
0000163 AIRPORT AUTO PARTS INC.	133220	2/13/2012	250.78
0000372 ALLIED SECURITY ALARMS	133222	2/13/2012	441.00
0095533 ALMA RODRIGUEZ	133301	2/13/2012	49.00
0104542 ALTA LANGUAGE SERVICES, INC.	133223	2/13/2012	60.00
0095530 ALVIN CARLOS	133233	2/13/2012	50.00
0015329 AMERICAN INDUSTRIAL SUPPLY	133224	2/13/2012	450.10
0095525 ANGELA HAMPTON	133256	2/13/2012	10.30
0001202 ARAMARK UNIFORM SERVICES	133225	2/13/2012	168.73
0104233 ASTOUND BROADBAND	133227	2/13/2012	1,380.00
0016123 AT&T	133228	2/13/2012	624.24
0095078 BAGLEY ENTERPRISES, INC.	133229	2/13/2012	748.01
0000345 BAKER & TAYLOR BOOKS	133230	2/13/2012	1,015.71
0095519 BARBARA STAFFORD	133310	2/13/2012	18.46
0018688 BEST BEST & KRIEGER LLP	133231	2/13/2012	275.00
0103183 CANON BUSINESS SOLUTIONS, INC.	133232	2/13/2012	1,288.19
0017284 CHEMSEARCH	133234	2/13/2012	1,717.71
0103854 CHRISTINE HOPKINS	133259	2/13/2012	159.25
0095526 CHUCK LAMB	133267	2/13/2012	25.71
0016324 CINTAS CORPORATION #464	133236	2/13/2012	544.58
0098588 CITY OF BURLINGAME	133237	2/13/2012	3,388.50
0000227 CITY OF SAN BRUNO	133238	2/13/2012	3,410.11
0000386 CITY OF SOUTH SAN FRANCISCO	133239	2/13/2012	7,243.30
0018978 CLEAN HARBORS ENV SERVICES INC	133240	2/13/2012	550.80
0098656 COMPLETE LINEN SERVICE	133241	2/13/2012	73.27
0097612 DANIEL LI	133268	2/13/2012	200.00
0018188 DAU PRODUCTS	133242	2/13/2012	2,017.73
0095523 DEEPAK ARYA	133226	2/13/2012	21.30
0018560 DEPARTMENT OF MOTOR VEHICLES	133212	2/9/2012	763.00
0095691 EDWARD RAMIREZ	133295	2/13/2012	100.00
0001707 EMPLOYMENT DEVELOPMENT DEPT	133243	2/13/2012	5,435.00
0017335 FIBER INSTRUMENT SALES INC	133245	2/13/2012	528.41
0001782 FLOWERS ELECTRIC & SVC.CO.INC.	133246	2/13/2012	564.00
0018117 FLYERS ENERGY, LLC	133247	2/13/2012	12,554.79
0018272 GALE GROUP INC.	133249	2/13/2012	17.44
0103258 GC MICRO CORPORATION	133250	2/13/2012	676.62
0104771 GILLERAN ENERGY MANAGEMENT SERVICES	133244	2/13/2012	7,936.50
0095666 GLOBAL TELECOM & TECHNOLOGY	133251	2/13/2012	5,621.33
0016969 GOLDEN IDEAS	133252	2/13/2012	226.00
0017454 GOLDEN STATE FLOW MEASUREMENT	133253	2/13/2012	6,431.52
0000162 GRAINGER	133254	2/13/2012	253.31
0000541 GRANITE ROCK COMPANY	133255	2/13/2012	1,823.15
0018213 HILLYARD, INC.	133257	2/13/2012	413.75
0098222 HOLMES INTERNATIONAL	133258	2/13/2012	20,867.60
0103336 HUB INTERNATIONAL SERVICE INC.	133260	2/13/2012	308.83
0015644 INDUSTRIAL WIPER & SUPPLY,INC.	133261	2/13/2012	183.33
0018838 INFOSEND, INC.	133262	2/13/2012	3,808.87
0018557 INTERSTATE SALES	133263	2/13/2012	192.69
0104018 INTERSTATE TRAFFIC CONTROL	133264	2/13/2012	273.87
0017763 J.J.R. CONSTRUCTION, INC	133265	2/13/2012	33,009.45

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Document group:	dliu	Bank:	apbank	05507660	
0095535	JACKIE ZAYAC	133326	2/13/2012	82.00	
0095515	JANET ALDINGER	133221	2/13/2012	200.00	
0095518	JOSE VASQUEZ	133317	2/13/2012	12.08	
0000075	K-119 TOOLS OF CALIFORNIA INC.	133266	2/13/2012	53.64	
0104424	LIDIA'S ITALIAN DELICACIES	133269	2/13/2012	1,757.50	
0018177	LOWE'S	133270	2/13/2012	403.80	
0018803	MARYLIN MURPHY	133279	2/13/2012	100.00	
0016041	METROMOBILE COMMUNICATIONS	133271	2/13/2012	646.68	
0000027	MEYERS   NAVE PROFESSIONAL LAW	133272	2/13/2012	78,344.39	
0097486	MICHELLE RAMIREZ	133296	2/13/2012	23.74	
0092285	MICROMARKETING LLC	133273	2/13/2012	95.85	
0000686	MICROWAVE FILTER CO INC	133274	2/13/2012	203.35	
0001709	MILLBRAE LOCK	133275	2/13/2012	76.30	
0014106	MILLS PARK CLEANERS	133276	2/13/2012	137.50	
0095522	MOHAMED ZIYATH ABDUL RAHUMAN	133294	2/13/2012	50.00	
0095532	MORALES AUTO SERVICE	133277	2/13/2012	17.88	
0000333	MOSS RUBBER & EQUIP. CORP.	133278	2/13/2012	90.95	
0000357	NATIONAL CABLE TV CO-OP, INC.	133280	2/13/2012	189.96	
0095534	NAZ PHOTOGRAPHY	133281	2/13/2012	25.00	
0102372	NUTRITION SITE COUNCIL OF SB	133283	2/13/2012	6,569.00	
0092263	OFFICE DEPOT INC	133284	2/13/2012	351.21	
0018284	OFFICEMAX INC.	133285	2/13/2012	212.90	
0000210	OLE'S CARBURETOR &ELECTRIC INC	133286	2/13/2012	1,238.13	
0104416	OVERDRIVE, INC.	133287	2/13/2012	100.00	
0000012	PACIFIC GAS & ELECTRIC	133288	2/13/2012	30,206.04	
0014961	PENINSULA UNIFORMS & EQUIPMENT	133289	2/13/2012	707.26	
0096530	PENINSULA WATER WORKS ASSOC.	133290	2/13/2012	45.00	
0096530	PENINSULA WATER WORKS ASSOC.	133291	2/13/2012	15.00	
0000071	R & B COMPANY	133292	2/13/2012	3,002.75	
0091044	R.A. METAL PRODUCTS, INC	133293	2/13/2012	409.29	
0090749	RED WING SHOE STORE	133297	2/13/2012	763.66	
0000229	REEVES CO., INC.	133298	2/13/2012	71.86	
0095527	REICH JOHN L. NOFUENTE	133282	2/13/2012	30.97	
0017096	RICK WATSON	133299	2/13/2012	108.24	
0095516	ROBERT HITCHENS TRUST	133300	2/13/2012	19.19	
0096209	RONALD CIMA	133235	2/13/2012	100.00	
0000155	SAN BRUNO PARK SCHOOL DISTRICT	133302	2/13/2012	606.00	
0095403	SARRO FAMILY LIVING TRUST	133303	2/13/2012	40.40	
0018461	SERRAMONTE FORD, INC.	133304	2/13/2012	1,430.11	
0103732	SFO MEDICAL CLINIC	133305	2/13/2012	1,108.00	
0017676	SIEMENS INDUSTRY, INC.	133306	2/13/2012	3,707.87	
0017508	SOUTH CITY LUMBER AND SUPPLY	133307	2/13/2012	91.38	
0017989	SOUTHLAND INDUSTRIES	133308	2/13/2012	178.00	
0097079	SPRINT	133309	2/13/2012	79.98	
0000801	STEWART AUTOMOTIVE GROUP	133311	2/13/2012	124.12	
0096945	TODD'S UPHOLSTERY	133312	2/13/2012	350.00	
0102361	TURNER NETWORK SALES, INC.	133313	2/13/2012	4,918.32	
0018618	UNITED SITE SERVICES INC.	133314	2/13/2012	184.95	
0016835	US BANK NATIONAL ASSOCIATION	133315	2/13/2012	187.50	
0000584	USA MOBILITY WIRELESS INC.	133316	2/13/2012	27.84	
0096497	VERDE DESIGN, INC.	133318	2/13/2012	2,981.17	
0098917	VOLIKOS ENTERPRISES	133319	2/13/2012	5,125.06	
0095471	WAI S. FUNG	133248	2/13/2012	200.00	
0103044	WATER ENVIRONMENT FEDERATION	133320	2/13/2012	220.00	
0104660	WEST YOST ASSOCIATES, INC.	133321	2/13/2012	15,746.50	
0096421	WEST-LITE SUPPLY CO., INC.	133322	2/13/2012	59.60	
0016286	WINGFOOT COMMERCIAL TIRE, LLC	133323	2/13/2012	1,541.05	
0013841	WITMER-TYSON IMPORTS INC	133324	2/13/2012	712.38	

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Document group:	dliu	Bank:	apbank	05507660		
0014850	XEROX CORPORATION			133325	2/13/2012	78.79
0104033	ZCORUM, INC.			133327	2/13/2012	21,290.50
					<b>GrandTotal:</b>	<b>320,263.08</b>
					<b>Total count:</b>	<b>116</b>

02/21/12

CITY OF SAN BRUNO  
WARRANT REGISTER  
TOTAL FUND RECAP

FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$387,678.52
133	RESTRICTED DONATIONS	\$89.91
190	EMERGENCY DISASTER FUND	\$103,635.73
201	PARKS AND FACILITIES CAPITAL	\$20.18
203	STREET IMPROVE. PROJECTS	\$400.00
611	WATER FUND	\$23,247.13
621	STORMWATER FUND	\$3.78
631	WASTEWATER FUND	\$789.65
641	CABLE TV FUND	\$120,831.81
701	CENTRAL GARAGE	\$2,639.11
702	FACILITY MAINT. FUND	\$7,025.25
707	TECHNOLOGY DEVELOPMENT	\$6,853.42
880	PROJECT DEVELOP. TRUST	\$60.50
891	S.B. GARBAGE CO. TRUST	\$386,497.79
TOTAL FOR APPROVAL		\$1,039,772.78

HONORABLE MAYOR AND CITY COUNCIL:

THIS IS TO CERTIFY THAT THE CLAIMS LISTED ON PAGES NUMBERED FROM 1 THROUGH 4 INCLUSIVE, AND/OR CLAIMS NUMBERED FROM 133328 THROUGH 133501 INCLUSIVE, TOTALING IN THE AMOUNT OF \$1,039,772.78 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

2/23/12  
\_\_\_\_\_  
DATE

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0104680 ACCESS 24 COMMUNICATIONS INC.	133329	2/21/2012	151.55
0016499 ACTION SPORTS	133330	2/21/2012	1,440.00
0103202 ADVANCED MOBILE COMMUNICATIONS	133331	2/21/2012	60.62
0095543 AGC INC.	133332	2/21/2012	1,000.00
0001170 AIRGAS NCN	133333	2/21/2012	131.38
0000163 AIRPORT AUTO PARTS INC.	133334	2/21/2012	18.33
0095544 ALEX BUILDERS	133335	2/21/2012	207.00
0017459 ALL CITY MANAGEMENT SVC.INC.	133336	2/21/2012	1,964.16
0000706 AMERICAN PLANNING ASSOCIATION	133337	2/21/2012	580.00
0096700 ANDY'S WHEELS & TIRES	133339	2/21/2012	2,547.38
0001202 ARAMARK UNIFORM SERVICES	133340	2/21/2012	15.31
0001965 ARISTA BUSINESS	133341	2/21/2012	485.71
0104791 ARLENE ANDERSON	133338	2/21/2012	142.78
0000843 ARRIS SOLUTIONS, INC.	133342	2/21/2012	9,600.00
0016123 AT&T	133343	2/21/2012	99.46
0017191 AT&T	133344	2/21/2012	17.96
0018363 AT&T LONG DISTANCE	133345	2/21/2012	15.92
0018465 AT&T MOBILITY	133346	2/21/2012	45.45
0017211 AUTOMATIC DOOR SYSTEMS INC	133347	2/21/2012	700.26
0018367 AVAIL-TVN	133348	2/21/2012	6,089.28
0000345 BAKER & TAYLOR BOOKS	133349	2/21/2012	1,656.79
0096947 BARKER INTERNATIONAL GROUP LLC	133350	2/21/2012	89.91
0018093 BBC AMERICA	133351	2/21/2012	1,620.49
0095541 BRADLEY PARKER	133439	2/21/2012	1,000.00
0096420 BSN SPORTS	133352	2/21/2012	66.47
0096798 BUSINESS PRODUCTS & SUPPLIES	133353	2/21/2012	893.72
0093437 BWI	133354	2/21/2012	11.22
0018977 CBS TELEVISION STATIONS	133356	2/21/2012	6,446.33
0104793 CHANTILLI ELMORE	133376	2/21/2012	111.11
0016324 CINTAS CORPORATION #464	133358	2/21/2012	415.30
0096053 CINTAS DOCUMENT MANAGEMENT	133359	2/21/2012	45.00
0097608 CITY OF SOUTH SAN FRANCISCO	133360	2/21/2012	3,000.00
0018087 COMCAST MEDIA CENTER	133361	2/21/2012	300.30
0095976 COMMSCOPE INC.	133362	2/21/2012	17,659.61
0092231 COMMUNICATIONS MANAGERS ASSN.	133363	2/21/2012	50.00
0099003 COMMUTER CHECK SERVICE CORP.	133364	2/21/2012	372.08
0098656 COMPLETE LINEN SERVICE	133365	2/21/2012	87.37
0015857 COUNTY OF SAN MATEO	133366	2/21/2012	152.00
0018331 CSG CONSULTANTS INC.	133367	2/21/2012	759.50
0016960 DAN TILLES	133481	2/21/2012	50.40
0018912 DASH MEDICAL GLOVES INC.	133368	2/21/2012	172.98
0018188 DAU PRODUCTS	133369	2/21/2012	1,494.10
0104693 DEBBIE GRECH	133394	2/21/2012	777.69
0102820 DEBRA HALL	133396	2/21/2012	289.00
0000197 DEMCO SUPPLY INC.	133370	2/21/2012	228.88
0093479 DEPARTMENT OF JUSTICE	133371	2/21/2012	331.00
0017751 DEPT. OF PESTICIDE REGULATION, CASHIER	133444	2/21/2012	50.00
0018092 DISCOVERY COMMUNICATIONS LLC	133373	2/21/2012	2,892.37
0104790 DONALD HOWARD	133401	2/21/2012	65.91
0000198 EBSCO SUBSCRIPTION SVCS.	133374	2/21/2012	2.92
0093314 EDDIE FONSECA	133375	2/21/2012	86.58
0104364 EQUIFAX INFORMATION SVCS LLC	133379	2/21/2012	110.00
0102362 ESPN	133380	2/21/2012	783.44
0000944 FEDEX	133381	2/21/2012	129.95
0000913 FERMA CORPORATION	133382	2/21/2012	1,240.00
0102869 FRANCHISE TAX BOARD	133384	2/21/2012	150.00

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Document group:	komailey	Bank: apbank	05507660		
0102354	FS3 FIRE SERVICE SPECIFICATION & SUPPLY	133464	2/21/2012	1,056.60	
0018272	GALE GROUP INC.	133385	2/21/2012	35.84	
0000574	GARY M. OLSON PH.D.	133386	2/21/2012	300.00	
0103258	GC MICRO CORPORATION	133387	2/21/2012	4,221.30	
0104771	GILLERAN ENERGY MANAGEMENT SERVICES	133377	2/21/2012	4,201.58	
0104135	GLOBAL TRACKING COMMUNICATIONS, INC.	133485	2/21/2012	29.99	
0016969	GOLDEN IDEAS	133389	2/21/2012	1,470.79	
0017516	GRAFFITI CONTROL SERVICES, INC.	133391	2/21/2012	733.00	
0000162	GRAINGER	133392	2/21/2012	103.39	
0095966	GREAT AMERICA LEASING CORP.	133393	2/21/2012	573.53	
0104628	GUSTAVO AND IMELDA GOMEZ	133390	2/21/2012	12,500.00	
0000385	HACH COMPANY	133395	2/21/2012	495.25	
0102460	HANI YASER	133499	2/21/2012	101.11	
0095537	HARGENS, INC.	133397	2/21/2012	1,000.00	
0095792	HARRISON & BONINI	133398	2/21/2012	731.19	
0018213	HILLYARD, INC.	133400	2/21/2012	1,222.43	
0103976	HUB TELEVISION NETWORKS, LLC	133402	2/21/2012	777.73	
0018201	ICC PENINSULA CHAPTER	133403	2/21/2012	30.00	
0017880	ICE CENTER @ SAN MATEO	133404	2/21/2012	168.00	
0104700	IMS-AMERICAS, INC.	133405	2/21/2012	23,939.79	
0001786	IN DEMAND-NYC	133406	2/21/2012	1,725.20	
0018050	KAISER FOUNDATION HEALTH PLAN	133407	2/21/2012	2,924.00	
0096379	KAREN OJAKIAN	133434	2/21/2012	556.40	
0096559	KATHRYN CHOW	133357	2/21/2012	12,500.00	
0095540	KE CONSTRUCTION	133408	2/21/2012	1,000.00	
0018728	KONICA MINOLTA BUSINESS SOLUTIONS	133421	2/21/2012	1,437.00	
0000732	KRAFT INDUSTRIAL SUPPLY	133410	2/21/2012	51.42	
0000849	LEAGUE OF CALIFORNIA CITIES	133411	2/21/2012	400.00	
0018777	LEXISNEXIS RISK DATA MANAGEMENT	133456	2/21/2012	50.00	
0001472	LIFETIME ENTERTAINMENT SVC.LLC	133412	2/21/2012	4,998.88	
0016034	LINDA RUSSELL	133459	2/21/2012	395.85	
0018177	LOWE'S	133414	2/21/2012	882.11	
0098074	LUCA MIRANDA	133422	2/21/2012	125.00	
0099033	MASAO AND FUMIE TANAKA	133473	2/21/2012	12,500.00	
0000389	MATRISHA PERSON	133443	2/21/2012	1,236.30	
0095509	MELINA MEDINA	133415	2/21/2012	300.00	
0102770	METLIFE	133416	2/21/2012	1,045.46	
0016863	MIDWEST TAPE, LLC	133417	2/21/2012	129.98	
0093622	MIKE GULDNER	133418	2/21/2012	318.56	
0001709	MILLBRAE LOCK	133419	2/21/2012	228.35	
0014106	MILLS PARK CLEANERS	133420	2/21/2012	44.20	
0103600	MOMENTUM WHOLESAL, INC.	133423	2/21/2012	22,122.55	
0015000	MORRISON SCHOOL SUPPLIES, INC.	133424	2/21/2012	182.16	
0000333	MOSS RUBBER & EQUIP. CORP.	133425	2/21/2012	245.77	
0017289	MUNISERVICES LLC	133426	2/21/2012	1,000.00	
0000357	NATIONAL CABLE TV CO-OP, INC.	133427	2/21/2012	5,003.63	
0018859	NATIONAL DATA & SURVEYING SERV	133428	2/21/2012	135.00	
0018319	NEAL MARTIN & ASSOCIATES	133429	2/21/2012	15,967.87	
0103301	NHL NETWORK US, LP	133430	2/21/2012	4,169.98	
0016172	NOLO PRESS OCCIDENTAL	133431	2/21/2012	54.28	
0018157	OCLC INC	133432	2/21/2012	311.25	
0092263	OFFICE DEPOT INC	133433	2/21/2012	638.56	
0000210	OLE'S CARBURETOR & ELECTRIC INC	133436	2/21/2012	260.15	
0102557	PACIFIC DANCE COMPANY	133437	2/21/2012	214.50	
0000012	PACIFIC GAS & ELECTRIC	133438	2/21/2012	10,736.06	
0104697	PBS KIDS SPROUT	133440	2/21/2012	501.84	
0001154	PENINSULA LIBRARY SYSTEM	133441	2/21/2012	1,068.60	
0018283	PERFORMANCE TOW LLC	133442	2/21/2012	240.00	

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Document group:	komailey	Bank: apbank	05507660		
0000294	PITNEY BOWES		133445	2/21/2012	1,869.06
0018094	PLAYBOY ENTERPRISES, INC.		133446	2/21/2012	32.36
0102915	PRECISE PRINTING & MAILING		133447	2/21/2012	863.31
0000285	PREFERRED ALLIANCE, INC.		133448	2/21/2012	355.60
0000071	R & B COMPANY		133449	2/21/2012	1,853.76
0017111	RANDOM HOUSE INC		133450	2/21/2012	60.62
0095447	RAQUEL KONE		133409	2/21/2012	21.00
0095148	RAY RAZAVI		133451	2/21/2012	10,500.00
0017712	RECALL SECURE DESTRUCTION SERVICES, INC.		133372	2/21/2012	63.00
0000175	RECOLOGY SAN BRUNO		133452	2/21/2012	386,497.79
0104548	RENNE SLOAN HOLTZMAN SAKAI LLP		133453	2/21/2012	22.05
0099138	RESHMA PRASAD		133454	2/21/2012	540.00
0016729	RICOH AMERICAS CORPORATION		133455	2/21/2012	389.90
0018511	ROBERT HOWARD		133457	2/21/2012	150.00
0000022	ROBERT LOUIE		133413	2/21/2012	187.53
0104626	ROBERT W. AND NANCY J. HENSEL		133399	2/21/2012	12,500.00
0013581	ROVI GUIDES, INC.		133458	2/21/2012	9,454.84
0104798	ROY OKANO		133435	2/21/2012	205.00
0104789	RUSSELL SICKLEBOWER		133466	2/21/2012	24.18
0103392	SAN MATEO COUNTY FIRE PREVENTION OFFICERS		133383	2/21/2012	100.00
0099047	SAN MATEO CTY SHERIFF'S OFFICE		133460	2/21/2012	2,452.00
0018597	SAN MATEO DAILY JOURNAL		133461	2/21/2012	960.00
0017145	SAN MATEO LAWN MOWER SHOP		133462	2/21/2012	73.75
0104792	SEAN CARR		133355	2/21/2012	20.82
0093872	SHOWCASES		133465	2/21/2012	254.06
0104787	SINGER ASSOCIATES, INC.		133467	2/21/2012	4,200.00
0103492	SMITHSONIAN NETWORKS		133468	2/21/2012	310.03
0104795	SONDRA GENTILE		133388	2/21/2012	37.36
0017989	SOUTHLAND INDUSTRIES		133469	2/21/2012	1,638.00
0015875	SPICE DIGITAL NETWORKS		133470	2/21/2012	60.68
0097079	SPRINT		133471	2/21/2012	484.12
0018602	STARZ ENTERTAINMENT LLC.		133472	2/21/2012	906.21
0104794	STEPHEN ZIELINSKI		133501	2/21/2012	89.75
0095446	STEVE SARANTITIS		133463	2/21/2012	35.65
0000431	TEAMSTERS LOCAL #856		133328	2/17/2012	319,440.00
0018073	TEAMSTERS LOCAL 350		133474	2/21/2012	2,176.00
0002025	TELECOMMUNICATIONS ENGINEERING ASSOCIATE		133378	2/21/2012	2,308.00
0104788	TEMP HOME SERVICES		133475	2/21/2012	8.44
0017659	THE CALIFORNIA CHANNEL		133476	2/21/2012	139.38
0018717	THE E GROUP LLC		133477	2/21/2012	300.00
0017657	THE FRATELLO MARIONETTES		133478	2/21/2012	325.00
0103559	THE MLB NETWORK, LLC		133479	2/21/2012	4,152.02
0104674	THRIVE		133480	2/21/2012	4,205.00
0090792	TONY GRECH		133482	2/21/2012	100.00
0018818	TOSHIBA BUSINESS SOLUTIONS CA		133483	2/21/2012	507.22
0018818	TOSHIBA BUSINESS SOLUTIONS CA		133484	2/21/2012	1.84
0017932	TRILLIUM USA INC.		133486	2/21/2012	37.24
0017133	TURBO DATA SYSTEMS INC		133487	2/21/2012	2,133.30
0102361	TURNER NETWORK SALES, INC.		133488	2/21/2012	292.67
0095538	TV GUIDE NETWORK, INC.		133489	2/21/2012	774.95
0000019	U.S. POSTMASTER		133490	2/21/2012	3,800.00
0104736	UNITED STATES TREASURY		133491	2/21/2012	1,380.00
0102744	UNIVERSAL BUILDING SERVICES		133492	2/21/2012	489.00
0099592	UNIVISION COMMUNICATIONS, INC.		133493	2/21/2012	3,820.26
0098625	UPS		133494	2/21/2012	36.08
0102988	VANTAGEPOINT TRANSFER AGENTS		133495	2/21/2012	7,809.62
0018385	WFCB - OSH COMMERCIAL SERVICES		133496	2/21/2012	596.08
0018585	WRIME INC.		133497	2/21/2012	15,481.95

Positive Pay Listing  
City of San Bruno

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Document group:	komalley	Bank:	apbank	05507660		
0102630	XO COMMUNICATIONS, LLC	133498	2/21/2012		3,848.38	
0000578	ZEE MEDICAL INC.	133500	2/21/2012		100.52	
				<b>GrandTotal:</b>	<u>1,039,772.78</u>	
				<b>Total count:</b>		174



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

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DATE: February 28, 2012  
TO: Honorable Mayor and Members of the City Council  
FROM: Kim Juran, Finance Director  
SUBJECT: Payroll Approval

City Council approval of the City payroll distributed February 17, 2012 is recommended. The Labor Summary report reflecting the total payroll amount of \$1,275,228.75 for the bi-weekly pay period ending February 12, 2012 is attached.

7.6

**LABOR SUMMARY FOR PAY PERIOD ENDING : February 12, 2012**

<b>pyLaborDist</b>	<b>02/17/12</b>
Fund: 001 - GENERAL FUND	988,463.66
Fund: 122 - SOLID WASTE/RECYCL.	1,519.18
Fund: 190 - EMERGENCY DISASTER FUND	5,775.53
Fund: 201 - PARKS AND FACILITIES CAPITAL	4,991.52
Fund: 203 - STREET IMPROVE. PROJECTS	4,015.55
Fund: 611 - WATER FUND	70,581.84
Fund: 621 - STORMWATER FUND	9,808.83
Fund: 631 - WASTEWATER FUND	57,162.17
Fund: 641 - CABLE TV FUND	83,385.74
Fund: 701 - CENTRAL GARAGE	9,103.14
Fund: 702 - FACILITY MAINT.FUND	21,752.74
Fund: 707 - TECHNOLOGY DEVELOPMENT	12,336.25
Fund: 711 - SELF INSURANCE	6,332.60
<b>Total</b>	<b>1,275,228.75</b>

**RECONCILIATION OF GENERAL LEDGER TO BANK**

MONTH ENDING JANUARY 2012

## City of San Bruno Cash

## City of San Bruno General Ledger

Investment Balance	\$ 47,530,319.49
Glenview Fire LAIF	3,016,890.21
Checking Balance	3,294,518.95
Police Parking Fines Balance	14,553.00
Glenview Fire FNB	4,735.66
FNB City FSA Account	20,126.40

**Bank Balances as of** \$ **53,881,143.71****General Ledger Balance** \$ **53,716,751.76**

Outstanding checks \$ (365,989.11)

FNB Deposit Transit	11,960.42
FNB Deposit Transit	110,524.29
FNB Deposit Transit	6,801.90
FNB Deposit Transit	34,098.80
Finance CC	638.85
Finance CC	5,478.91
Library CC	37.80
Utility Online Billpay - ACH	3,829.25
Utility Online Billpay - ACH	1,957.24
Utility Online Billpay - ACH	2,556.33
Utility Online Billpay - cc	1,421.83
Utility Online Billpay - cc	3,264.60
Utility Online Billpay - cc	7,259.83
Utility Online Billpay - VISA	4,711.10
Utility Online Billpay - VISA	7,627.62
CATV Merchant Bankcard CC	2,841.57
MC Trans from FNB	617.74

CATV Checkfree	1,293.19
CATV Lockbox	2,737.73

**Adjusted Balance** \$ **53,720,782.68****Adjusted Balance** \$ **53,720,782.68**



## INVESTMENT REPORT

Month ending January 2012

INVESTMENTS				YIELD
<b>INVESTMENT POOLS</b>				
Local Agency Investment Fund	16,179,313.07			0.462
Glenview Fire LAIF	3,016,890.21			0.462
San Mateo County Pool	17,232,889.42			1.040
<b>INVESTMENTS HELD AT UNION BANK</b>	<b>PAR VALUE</b>	<b>COST BASIS</b>	<b>MKT. VALUE</b>	<b>YIELD</b>
Federal National Mortgage Assn 1.375% mat 10/29/2012	\$ 2,000,000.00	\$ 2,000,000.00	\$ 2,018,220.00	1.360
Federal Home Loan Bank 1.42 mat 5/30/14	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,023,260.00	1.390
Federal Home Loan Bank 120 mat 12/29/2014	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,003,280.00	1.20
Federal Home Loan Bank 1% Step-up mat 9/21/2015	\$ 1,000,000.00	\$ 1,000,000.00	\$ 998,460.00	0.630
Federal national Mortgage Assn. 1.00% mat 10/26/2016	\$ 1,000,000.00	\$ 1,000,000.00	\$ 998,540.00	1.000

Federal Farm Credit Bank 1.43% mat 12/22/2016	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,002,720.00	0.014
Morgan Stanley FDIC TLGP 1.50% mat 2/10/2012	\$ 1,000,000.00	\$ 1,007,050.00	\$ 1,000,180.00	1.510
US Govt Money Market	\$ 6,111,067.00	\$ 6,111,067.00	\$ 6,111,067.00	
<b>TOTAL</b>		<b>\$50,540,159.70</b>		

Expenditure Status Report

City of San Bruno  
1/1/2012 through 1/31/2012

Account Number	Adjusted Appropriation	Expenditures	Year-to-date Expenditures	Year-to-date Encumbrances	Balance	Prct Used
Total	32,355,905.98	3,302,227.52	18,604,839.87	169,964.95	13,581,101.16	58.03
GENERAL FUND						
Total	40,321.00	0.00	0.00	0.00	40,321.00	0.00
GENERAL FUND RESERVE						
Total	0.00	0.00	0.00	0.00	0.00	0.00
ONE-TIME REVENUE						
Total	0.00	62,500.00	437,500.00	0.00	-437,500.00	0.00
GAS TAX						
Total	0.00	4,000.00	4,000.00	0.00	-4,000.00	0.00
MEASURE A TRANSPORTATION TAX						
Total	0.00	0.00	0.00	0.00	0.00	0.00
TRAFFIC CONGESTION RELIEF						
Total	0.00	0.00	8,013.04	0.00	-8,013.04	0.00
POLICE ASSET FORFEITURE						
Total	0.00	0.00	0.00	0.00	0.00	0.00
SAFETY AUGMENT. -PROP.172						
Total	0.00	0.00	0.00	0.00	0.00	0.00
POLICE SPECIAL REVENUE						
Total	0.00	0.00	0.00	0.00	0.00	0.00
TRAFFIC SAFETY GRANT						
Total	0.00	0.00	6,792.51	0.00	-6,792.51	0.00
FEDERAL/STATE GRANTS						
Total	177,709.00	18,758.48	21,602.29	98,950.01	57,156.70	67.84
SOLID WASTERECYCL.						
Total	106,561.83	5,007.27	27,542.71	0.00	79,019.12	25.85
LIBRARY SPECIAL REVENUE						
Total	4,675.00	8,333.34	58,333.38	0.00	-53,658.38	1,247.77
IN-LIEU FEES						
Total	0.00	0.00	0.00	0.00	0.00	0.00
AGENCY ON AGING						
Total	0.00	10,132.55	59,618.21	0.00	-59,618.21	0.00
RESTRICTED DONATIONS						
Total	10,000.00	12,797.66	35,301.61	0.00	-25,301.61	353.02
ED JOHNSON BEQUEST FUND						
Total	0.00	0.00	0.00	0.00	0.00	0.00
GLENVIEW FIRE DONATIONS						
Total	0.00	0.00	-1,087.10	0.00	1,087.10	0.00
PGE						
Total	0.00	0.00	0.00	0.00	0.00	0.00
REDEVELOPMENT AGENCY - GENERAL						
Total	5,641,905.47	183,052.92	1,107,312.08	81,097.07	4,453,496.32	21.06
RD A HOUSING SET-ASIDE						
Total	1,416,181.75	49,524.76	291,523.97	4,131.24	1,120,526.54	20.88
EMERGENCY DISASTER FUND						
Total	586,335.16	347,823.87	1,309,681.67	460,326.72	-1,183,673.23	301.88
PARKS AND FACILITIES CAPITAL						
Total	136,910.84	25,335.37	168,781.88	118,051.53	-149,922.57	209.50
STREET IMPROVE. PROJECTS						
Total	476,605.99	113,304.20	1,057,095.81	405,195.42	-985,685.24	306.81
TECHNOLOGY CAPITAL						
Total	0.00	0.00	3,213.54	0.00	-3,213.54	0.00
REDEVELOPMENT CAPITAL PROJECTS						
Total	125,000.00	0.00	38,500.00	0.00	86,500.00	30.80
CITY HALL LEASE DEBT SERVICE						
Total	378,501.08	0.00	189,250.54	0.00	189,250.54	50.00
RD A 2000 CERTIFICATES OF PARTICIPATION						
Total	652,137.50	0.00	206,796.75	0.00	445,340.75	31.71

### Expenditure Status Report

expstat.rpt

02/16/2012 10:39AM

Periods: 7 through 7

City of San Bruno

1/1/2012 through 1/31/2012

Account Number	Adjusted Appropriation	Expenditures	Year-to-date Expenditures	Year-to-date Encumbrances	Balance	Prct Used
Total WATER FUND	8,189,885.39	1,073,497.82	4,788,944.95	1,027,964.64	2,372,975.80	71.03
Total STORMWATER FUND	800,475.16	46,554.43	298,974.50	226,752.65	274,748.01	65.68
Total WASTEWATER FUND	8,591,378.42	315,263.22	3,689,695.35	1,217,518.67	3,684,164.40	57.12
Total CABLE TV FUND	10,077,846.32	795,735.56	5,478,444.03	1,496,384.14	3,103,018.15	69.21
Total CENTRAL GARAGE	668,651.70	44,589.68	277,449.83	0.00	391,201.87	41.49
Total FACILITY MAINT. FUND	918,568.11	79,271.12	467,793.69	0.00	450,774.42	50.93
Total GENERAL EQUIPMENT REVOLVING	549,201.60	474.77	388,788.75	95,564.11	64,848.74	88.19
Total TECHNOLOGY DEVELOPMENT	485,176.00	47,745.57	283,790.01	0.00	201,385.99	58.49
Total SELF INSURANCE	1,771,209.17	70,671.48	1,184,238.73	0.00	586,970.44	66.86
<b>Grand Total</b>	<b>74,161,142.47</b>	<b>6,616,611.59</b>	<b>40,492,732.60</b>	<b>5,401,901.15</b>	<b>28,266,508.72</b>	<b>61.89</b>

Revenue Status Report

City of San Bruno  
1/1/2012 through 1/31/2012

Account Number	Adjusted Estimate	Revenues	Year-to-date Revenues	Balance	Prct Rcvd
Total GENERAL FUND	31,892,429.90	2,190,801.75	18,233,854.68	13,658,575.22	57.17
Total GENERAL FUND RESERVE	0.00	15,120.00	76,898.65	-76,898.65	0.00
Total ONE-TIME REVENUE	0.00	0.00	619,194.00	-619,194.00	0.00
Total GAS TAX	1,213,972.00	87,920.97	676,788.66	537,183.34	55.75
Total MEASURE A TRANSPORTATION TAX	0.00	59,798.86	449,916.26	-449,916.26	0.00
Total STREET SPECIAL REVENUE	0.00	555.18	613.26	-613.26	0.00
Total TRAFFIC CONGESTION RELIEF	0.00	0.00	0.00	0.00	0.00
Total POLICE ASSET FORFEITURE	0.00	115.16	744.79	-744.79	0.00
Total SAFETY AUGMENT. -PROP.172	86,000.00	6,413.29	54,232.72	31,767.28	63.06
Total POLICE SPECIAL REVENUE	0.00	20.67	22.83	-22.83	0.00
Total TRAFFIC SAFETY GRANT	0.00	109.71	5,553.24	-5,553.24	0.00
Total FEDERAL/STATE GRANTS	177,709.00	86.96	66,454.96	111,254.04	37.40
Total SOLID WASTE/RECYCL.	79,451.27	5,105.37	38,259.12	41,192.15	48.15

Revenue Status Report

City of San Bruno  
1/1/2012 through 1/31/2012

Account Number	Adjusted Estimate	Revenues	Year-to-date Revenues	Balance	Prct Rcvd
Total LIBRARY SPECIAL REVENUE	26,008.00	763.83	21,179.27	4,828.73	81.43
Total IN-LIEU FEES	654,478.00	210,516.34	270,174.85	384,303.15	41.28
Total AGENCY ON AGING	110,629.00	19,521.78	79,379.88	31,249.12	71.75
Total RESTRICTED DONATIONS	0.00	17,594.36	194,168.25	-194,168.25	0.00
Total ED JOHNSON BEQUEST FUND	0.00	45.65	50.43	-50.43	0.00
Total GLENVIEW FIRE DONATIONS	0.00	0.00	1,204.37	-1,204.37	0.00
Total PGE	0.00	2,892.21	5,779.20	-5,779.20	0.00
Total REDEVELOPMENT AGENCY - GENERAL	7,279,050.20	7,018.01	2,891,288.90	4,387,761.30	39.72
Total RDA HOUSING SET-ASIDE	1,822,524.80	6,945.77	730,931.86	1,091,592.94	40.11
Total EMERGENCY DISASTER FUND	27,908.76	0.00	1,000,023.54	-972,114.78	3583.19
Total PARKS AND FACILITIES CAPITAL	33,175.00	1,296.77	283,395.50	-250,220.50	854.24
Total STREET IMPROVE. PROJECTS	125,000.00	1,845.16	443,578.86	-318,578.86	354.86
Total TECHNOLOGY CAPITAL	0.00	159.50	176.66	-176.66	0.00
Total REDEVELOPMENT CAPITAL PROJECTS	125,000.00	96.20	110.46	124,889.54	0.09

Revenue Status Report

City of San Bruno  
1/1/2012 through 1/31/2012

Account Number	Adjusted Estimate	Revenues	Year-to-date Revenues	Balance	Prct Rcvd
Total CITY HALL LEASE DEBT SERVICE	378,501.00	31,542.00	220,794.00	157,707.00	58.33
Total RDA 2000 CERTIFICATES OF PARTICIPATION	652,138.00	54,347.18	380,434.35	271,703.65	58.34
Total WATER FUND	10,790,059.45	913,390.85	5,670,477.47	5,119,581.98	52.55
Total STORMWATER FUND	620,650.30	82,678.47	369,597.24	251,053.06	59.55
Total WASTEWATER FUND	11,245,763.90	994,161.33	5,778,078.56	5,467,685.34	51.38
Total CABLE TV FUND	11,068,270.00	836,579.60	5,938,388.91	5,129,881.09	53.65
Total CENTRAL GARAGE	666,840.70	55,591.00	389,137.00	279,703.70	58.18
Total FACILITY MAINT.FUND	916,188.20	76,084.00	532,588.00	383,600.20	58.13
Total GENERAL EQUIPMENT REVOLVING	487,669.00	35,882.00	251,174.00	236,495.00	51.51
Total TECHNOLOGY DEVELOPMENT	473,482.00	39,326.00	275,282.00	198,200.00	58.14
Total SELF INSURANCE	1,584,954.00	132,036.00	930,157.65	654,796.35	58.69
<b>Grand Total</b>	<b>82,539,852.48</b>	<b>5,886,361.93</b>	<b>46,880,084.38</b>	<b>35,659,768.10</b>	<b>56.80</b>

2/16/2012 1:37:55PM

City of San Bruno  
Through January 2012

Through period: 7

	Cash	Investments	Fund Total	
001	GENERAL FUND	3,349,800.26	53,557.50	3,403,357.76
002	GENERAL FUND RESERVE	2,867,488.23	0.00	2,867,488.23
003	ONE-TIME REVENUE	4,882,976.95	0.00	4,882,976.95
101	GAS TAX	979,263.61	0.00	979,263.61
102	MEASURE A TRANSPORTATION TAX	770,953.57	0.00	770,953.57
103	STREET SPECIAL REVENUE	305,553.30	0.00	305,553.30
104	TRAFFIC CONGESTION RELIEF	0.00	0.00	0.00
111	POLICE ASSET FORFEITURE	63,382.30	0.00	63,382.30
112	SAFETY AUGMENT. -PROP.172	54,232.72	0.00	54,232.72
113	POLICE SPECIAL REVENUE	11,378.09	0.00	11,378.09
114	TRAFFIC SAFETY GRANT	60,380.33	0.00	60,380.33
121	FEDERAL/STATE GRANTS	27,346.75	0.00	27,346.75
122	SOLID WASTE/RECYCL.	172,195.23	0.00	172,195.23
123	LIBRARY SPECIAL REVENUE	412,055.51	0.00	412,055.51
131	IN-LIEU FEES	4,777,040.79	0.00	4,777,040.79
132	AGENCY ON AGING	44,309.96	0.00	44,309.96
133	RESTRICTED DONATIONS	910,623.46	0.00	910,623.46
134	ED JOHNSON BEQUEST FUND	25,121.70	0.00	25,121.70
135	GLENVIEW FIRE DONATIONS	4,735.66	0.00	4,735.66
136	PGE	3,016,890.21	0.00	3,016,890.21
151	REDEVELOPMENT AGENCY - GENERAL	3,675,129.43	450,000.00	4,125,129.43
152	RDA HOUSING SET-ASIDE	3,773,196.84	0.00	3,773,196.84
190	EMERGENCY DISASTER FUND	1,241,642.12 CR	0.00	1,241,642.12 CR
201	PARKS AND FACILITIES CAPITAL	655,947.12	0.00	655,947.12
202	CITY/BART POLICE FACIL	0.00	0.00	0.00
203	STREET IMPROVE. PROJECTS	1,044,616.99	0.00	1,044,616.99
207	TECHNOLOGY CAPITAL	87,784.14	0.00	87,784.14
251	REDEVELOPMENT CAPITAL PROJECTS	52,945.90	0.00	52,945.90
252	RDA HOUSING PROJECTS	0.00	0.00	0.00
301	PARKING.DIST.BONDS	0.00	0.00	0.00
302	CITY HALL LEASE DEBT SERVICE	31,543.46	0.00	31,543.46
351	RDA 2000 CERTIFICATES OF PARTICIPATION	114,145.00 CR	1,094,781.25	980,636.25
611	WATER FUND	10,772,482.00	0.00	10,772,482.00
621	STORMWATER FUND	1,377,722.01	0.00	1,377,722.01
631	WASTEWATER FUND	6,267,620.33	629,715.58	6,897,335.91
641	CABLE TV FUND	2,665,407.27 CR	200.00	2,665,207.27 CR
701	CENTRAL GARAGE	421,497.86	0.00	421,497.86
702	FACILITY MAINT.FUND	950,830.73	0.00	950,830.73
703	GENERAL EQUIPMENT REVOLVING	3,186,991.94	0.00	3,186,991.94
707	TECHNOLOGY DEVELOPMENT	479,837.71	0.00	479,837.71
711	SELF INSURANCE	1,924,815.88	91,118.50	2,015,934.38
810	DEFERRED COMPENSATION PLANS	0.00	0.00	0.00
880	PROJECT DEVELOP. TRUST	55,638.44	0.00	55,638.44
891	S.B. GARBAGE CO. TRUST	243,616.74	0.00	243,616.74
901	GENERAL FIXED ASSETS	0.00	0.00	0.00
902	GENERAL LONG TERM DEBT	0.00	0.00	0.00
951	RDA FIXED ASSET GROUP	0.00	0.00	0.00
952	RDA LONG-TERM DEBT	0.00	0.00	0.00
	<b>Grand Total:</b>	<b>53,716,751.76</b>	<b>2,319,372.83</b>	<b>56,036,124.59</b>



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** February 28, 2012

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

**FROM:** Marc L. Zafferano, City Attorney  
Klara A. Fabry, Public Services Director

**SUBJECT:** Hold Public Hearing, Waive First Reading and Introduce Ordinance Repealing and Reenacting Chapter 10.12 of the San Bruno Municipal Code Relating to Wastewater Quality Control

**BACKGROUND:**

On February 14, 2012, the City Council received a report regarding revision of Chapter 10.12 of the San Bruno Municipal Code relating to wastewater quality control, specifically fats, oils, and grease (FOG).

Following discussion, the City Council directed staff to schedule a Public Hearing to introduce a new ordinance (Attachment 1) that would be consistent with state and federal mandates, the recent Baykeeper Consent Decree, and the South San Francisco ordinance.

**DISCUSSION:**

The February 14, 2012 staff report (Attachment 2) explains that state and federal law requires pretreatment of discharges into the sewer system, before reaching the treatment plan that San Bruno jointly owns with South San Francisco. The two cities are required to have consistent pretreatment ordinances and implementation programs for FOG. Over the past several years, San Bruno has been cooperating with South San Francisco to implement and enforce its FOG pretreatment ordinance and program. Since 2009, implementation and enforcement of FOG has involved inspections, education, outreach, and installation of grease control devices in food service establishments (FSEs). FSEs have historically cooperated to comply with the FOG pretreatment requirements.

The proposed ordinance would not impose any new requirements on FSEs than are already in place through the wastewater discharge permits that FSEs have been required to obtain to operate in San Bruno and across the Peninsula. The proposed ordinance is consistent with these current practices. South San Francisco would continue to inspect San Bruno FSEs, and San Bruno would be responsible for

enforcement. San Bruno would continue to conduct outreach and education in residential neighborhoods to reduce the incidence of FOG generated in those areas.

If the City Council introduces the proposed ordinance tonight, it will be scheduled for adoption on March 13, 2012.

**FISCAL IMPACT:**

No new costs are anticipated with implementation of the ordinance. San Bruno's cost-sharing agreement with South San Francisco for operation of the jointly owned treatment plant already accounts for the existing and ongoing enforcement program.

**ALTERNATIVES:**

1. Direct staff to make other changes to the proposed Ordinance prior to introduction.

**RECOMMENDATION:**

Hold Public Hearing, Waive First Reading and Introduce Ordinance Repealing and Reenacting Chapter 10.12 of the San Bruno Municipal Code.

**ATTACHMENTS:**

1. Proposed Ordinance
2. February 14, 2012 Staff Report

**DATE PREPARED:**

January 18, 2012

**REVIEWED BY:**

\_\_\_\_\_ CM

**ORDINANCE OF THE CITY OF SAN BRUNO REPEALING AND REENACTING  
CHAPTER 10.12 OF THE SAN BRUNO MUNICIPAL CODE RELATING TO  
WASTEWATER QUALITY CONTROL**

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

Section 1. Chapter 10.12 of the San Bruno Municipal Code is repealed and reenacted to read as follows:

**Chapter 10.12 WATER QUALITY CONTROL**

**10.12.010 Purpose and intent.**

The cities of San Bruno and South San Francisco jointly own the South San Francisco and San Bruno Water Quality Control Plant, which is operated by the city of South San Francisco. As the operator of the plant, the city of South San Francisco administers, implements and enforces the city of San Bruno's pretreatment program, including but not limited to, the provisions set forth in this chapter.

This chapter sets forth uniform requirements for direct and indirect contributors into the POTW and enables the cities of San Bruno and South San Francisco and the POTW to comply with all applicable state of California laws (Water Code Section 1300 et seq.) and federal laws required by the Clean Water Act of 1977 (33 U.S.C. Section 1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this chapter are:

- (a) To prevent the introduction of pollutants into the POTW which will upset or interfere with the operation of the POTW or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW;
- (d) To provide for equitable distribution of the cost of the POTW; and
- (e) To prevent the exposure of workers at the POTW to chemical hazards.

This chapter provides for the regulation of direct and indirect dischargers to the POTW through the issuance of permits to certain nondomestic users and through enforcement of general requirements for all users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's

capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs.

This chapter shall apply throughout the city and to persons outside the city who are, by contract or agreement with the city, users of the POTW. Except as otherwise provided herein, both the city of San Bruno and the city of South San Francisco shall have the authority to administer, implement, and enforce the provisions of this chapter.

#### 10.12.020 Abbreviations.

The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD – Biochemical Oxygen Demand

BMP – Best Management Practice

BMR – Baseline Monitoring Report

CFR – Code of Federal Regulations

CIU – Categorical Industrial User

COD – Chemical Oxygen Demand

EPA – U.S. Environmental Protection Agency

gpd – gallons per day

IU – Industrial User

mg/l – milligrams per liter

NPDES – National Pollutant Discharge Elimination System

NSCIU – Non-Significant Categorical Industrial User

POTW – Publicly Owned Treatment Works

RCRA – Resource Conservation and Recovery Act

SIU – Significant Industrial User

SNC – Significant Noncompliance

TSS – Total Suspended Solids

U.S.C. – United States Code

### 10.12.030 Definitions.

"Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. Section 1251 et seq., as amended.

"Authorized representative" means:

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or designee.

(4) The individuals described in subsections (1) through (3) may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the POTW.

"Best management practices" mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to waters of the United States and to implement the discharge prohibitions set forth in Section 10.12.150. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty degrees centigrade expressed in terms of weight and concentration as milligrams per liter.

**"Categorical industrial user"** means an industrial user subject to a categorical pretreatment standard or categorical standard.

**"Categorical pretreatment standard" or "categorical standard"** means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

**"Chemical oxygen demand (COD)"** means the equivalent quantity of oxygen utilized during oxidation of organic and inorganic matter in wastewater under the conditions of the COD test described in standard methods, expressed in milligrams per liter.

**"City"** means the city of San Bruno.

**"Contamination"** means impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

**"Cooling water"** means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**"Daily maximum"** means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

**"Daily maximum limit"** means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**"Department of environmental services"** means the San Mateo County department of environmental services, or any successor.

**"Discharge"** means the direct or indirect introduction of pollutants or wastewater into the POTW or the waters of the state.

**"Domestic or residential premises"** means a single-family, duplex or multiple-family dwelling.

**"Environmental Protection Agency (EPA)"** means the U.S. Environmental Protection Agency, or one of its duly authorized officials.

**"Existing source"** means any source of discharge that is not a new source.

**"Food service establishment"** means a facility operating in a permanently constructed structure such as a room, building or place, or portion thereof, maintained, used or operated for the purpose of storing, preparing, serving or manufacturing, packaging or otherwise handling food and/or beverage for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces grease, or grease vapors, steam, fumes, smoke or odors that are required to be removed by an exhaust hood pursuant to California Health and Safety Code section 114149.1 or in accordance with the California Retail Food Code (California Health and Safety Code sections 113700 et seq.).

**"Garbage"** means solid wastes from the preparation, cooking and dispensing of foods, and from the handling, storage and sale of produce. **"Properly ground garbage"** is the waste from the preparation, cooking and dispensing of foods which have been ground to such a degree that all particles may be carried freely under the flow conditions normally prevailing in public sewers.

**"Grab sample"** means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen minutes.

**"Grease"** means greases, oils, fats, fatty acids, waxes, soaps or other matter which is so determined in accordance with the standard methods examination for grease in polluted waters. Grease includes any substance such as vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions.

**"Grease interceptor"** means a multi-compartment device that is generally required, according to the California Plumbing Code, to be located underground between a food service establishment and the connection to the public sewer. These devices primarily use gravity to separate grease from the wastewater as it moves from one compartment to the next. To be effective, these devices must be cleaned, maintained and have the grease removed and disposed of in a proper manner, at regular intervals.

**"Grease removal device"** means any grease interceptor, grease trap or other mechanism or device which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat grease prior to it being discharged into the POTW.

**"Holding tank waste"** means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

**"Indirect discharge"** means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b), (c) or (d) of the Act, into the POTW (including holding tank waste discharged into the system).

**"Industrial user"** means a source of indirect discharge.

**"Industrial waste"** means the gaseous, liquid and solid wastes from any producing, manufacturing or personal service industries, or from any processing operation of whatever nature, including the washing of vehicles, machines and equipment.

**"Inflow"** means water other than wastewater that enters a sewer system from sources, such as but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, for drainage. Inflow does not include, and is distinguished from, infiltration as defined in 40 CFR § 35.2005.

**"Instantaneous limit"** means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

**"Interference"** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore, causes or threatens to cause a violation of the POTW's NPDES permit or prevents sewage sludge use or disposal in compliance with Section 405 of the Act, the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

**"Local limit"** means specific discharge limits developed and enforced by the POTW upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and Section 10.12.150.

**"Mass emission rates"** means pounds per day in waste or waste discharge of designated materials.

**"Medical waste"** means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

**"Moderate industrial user"** means an industrial user who is not a significant industrial user yet requires periodic inspection and/or monitoring to verify compliance with current local limits.

**"Monthly average"** means the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**"Monthly average limit"** means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

"National pollution discharge elimination system (NPDES) permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

"Natural outlet" means any outlet into a watercourse, pond, ditch, lake, bay, ocean or other body of surface water, or into the groundwater.

"New source" means any building, structure, facility or installation from which there is, or may be, a discharge of pollutants, the construction of which began after the publication of proposed pretreatment standards pursuant to Section 307(c) of the Act which will be applicable to such source if such standards are promulgated, provided that:

(1) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (2) or (3) but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(1) Begun, or caused to begin, as part of a continuous onsite construction program: (A) any placement, assembly or installation of facilities or equipment; or (B) significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

"Noncontact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

"Pass through" means discharge through the POTW to waters of the United States which, alone or in conjunction with discharges from other sources, causes or threatens to cause a violation of the POTW's NPDES permit.

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

"pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial wastes, municipal wastes or agricultural wastes discharged into water.

"Pollution" means the manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

"Pretreatment" or "treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).

"Pretreatment program" means a program to protect the POTW, its workers and the environment from adverse impacts that may occur when hazardous or toxic wastes are discharged into the POTW.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an industrial user.

"Pretreatment standards" includes categorical pretreatment standards, prohibited discharge standards, and local limits.

"Prohibited discharge standards" or "prohibited discharges" means absolute prohibitions against the discharge of certain substances which are set forth in Section 10.12.150.

"Publicly owned treatment work (POTW)" means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the cities of South San Francisco and San Bruno and operated by the city of South San Francisco. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any sewers, pipes and other conveyances that convey wastewater to a treatment plant. For

the purposes of this chapter, POTW shall also include any sewers that convey wastewaters to the plant from persons outside the city, who are, by contract or agreement with the city, users of the POTW.

**"Sanitary sewage"** means domestic or domestic-like sewage.

**"Sewage"** (see wastewater) means water-carried and liquid wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters, and stormwaters as may be present, or any combination of such wastes and waters.

**"Sewer"** means a pipe or conduit for carrying water, sewage and/or wastewater; and the following:

(1) **"Building sewer"** means a sewer conveying wastewater from the premises of a user to a public sewer.

(2) **"Public sewer"** means a sewer which is controlled by the city or other public agency.

(3) **"Sanitary sewer"** means a sewer for domestic, commercial and industrial waste to which stormwaters, surface waters and groundwaters are not intentionally admitted.

(4) **"Side sewer"** means a sewer conveying the wastewater of a discharge from a residence, building or other structure to a public sewer, including direct connections where permitted.

(5) **"Storm sewer"** means a sewer which carries storm and surface waters but from which sewage and polluted industrial, commercial and institutional wastes are required to be excluded.

**"Significant industrial user"** means:

(1) All categorical industrial users;

(2) Any noncategorical industrial user that: (A) discharges an average of twenty-five thousand gallons or more per day of process wastewater to the POTW; or (B) contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (C) has a reasonable potential, in the opinion of the superintendent, to adversely affect the POTW's operation (i.e., inhibition, pass through of pollutants, sludge contamination, or endangerment of POTW and collection system workers) or for violating any pretreatment standard or requirement.

(3) The superintendent may determine that a categorical industrial user is a nonsignificant categorical industrial user rather than a SIU on a finding that the industrial user never discharges more than one hundred gallons per day (gpd) of total categorical

wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

- (1) The industrial user, prior to the superintendent's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
- (2) The industrial user annually submits the certification statement required in Section 10.12.140(e)(2), together with any additional information necessary to support the certification statement; and
- (3) The industrial user never discharges any untreated concentrated wastewater.

"Slug load" or "slug discharge" means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 10.12.150 of this chapter. A slug discharge is any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

"Standard industrial classification (SIC)" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, or any successor.

"Standard methods" means the latest EPA-approved edition of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by American Public Health Association, American Water Works Association, and the Water Pollution Control Federation on methods deemed equivalent by the superintendent and the Regional Water Quality Control Board, San Francisco Bay Region, herein referred to for definitions, laboratory procedures of analysis, tests (including test samples) and measurements.

"Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom.

"Superintendent" means the superintendent of the POTW or the superintendent's authorized representative. The superintendent is an employee of the city of South San Francisco, and except as otherwise provided, has the authority to administer, implement and enforce the provisions of this chapter on behalf of the city of San Bruno.

"Total suspended solids" or "suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

"Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under the provision of Section 307(a) of the Act (33 U.S.C. 1317) or other acts.

"Upset" means an incident in which one or more pollutants cause the removal efficiency for a treatment process at the POTW to be dramatically reduced.

"User" means any person who discharges, or causes or permits the discharge of, wastewater into the POTW, including, but not limited to, industrial users.

"Waste" means all waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, personal service industry, or processing operation of whatever nature.

"Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

"Wastewater discharge permit" or "permit" means an SIU permit, a moderate industrial user permit or other permit issued to a user pursuant to this chapter.

"Water quality control plant" means that portion of the POTW which is designed to provide treatment of wastewater.

"Waters of the state" or "watercourse" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

#### 10.12.040 Wastewater discharge permits.

(a) It is unlawful to discharge without a permit into any natural outlet within the city or into the POTW any wastewater except as authorized by the superintendent in accordance with the provisions of this chapter.

(b) All significant industrial users proposing to discharge wastewater to the POTW shall obtain a wastewater discharge permit from the superintendent before discharging to any public sewer. Moderate industrial users may be required to obtain a permit as deemed necessary by the superintendent.

(c) Users required to obtain a wastewater discharge permit shall complete and file with the POTW an application in the form prescribed by the POTW, accompanied by a fee as set forth in the POTW's master fee schedule. Proposed new users shall apply for a permit at least ninety days prior to the date upon which any discharge will begin. Users shall be classified as either residential, institutional, commercial, or industrial. In support of the application, the users shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, mailing address, and location of use (if different from the address), business license number and expiration date;

(2) SIC number according to the Standard Industrial Classification Manual;

(3) Wastewater constituents and characteristics as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act (33 U.S.C. 1314) and contained in 40 CFR, Part 136;

(4) Time and duration of discharge;

(5) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are subject to any pretreatment standards, and a statement, signed by an authorized representative of the user and certified to be a qualified professional, regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance or additional pretreatment is required for the user to meet applicable pretreatment standards;

(9) If additional pretreatment operation and maintenance will be required to meet the pretreatment standards the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

(A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.),

(B) No increment referred to in subsection (c)(9)(A) shall exceed nine months,

(C) Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment

of progress, the reason for the delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the superintendent;

(10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) A baseline monitoring report (BMR) must be submitted, in compliance with, and containing all the information required by, 40 CFR 403.12 (b); and

(14) Such other information as may be deemed by the superintendent to be necessary to evaluate the permit application.

The BMR, ninety-day compliance reports, and periodic compliance reports for categorical industrial users must be signed by the appropriate official as specified in 40 CFR 403.12(1), and contain the certification statement in 40 CFR 403.6(a)(2)(ii).

#### 10.12.050 Sewer design and construction.

All new sewers and connections to new and existing sewers shall be properly designed and constructed to prevent inflow and in accordance with the Uniform Building Code then in effect and other applicable city ordinances. Any new connections from inflow sources into the POTW are prohibited. The applicant for a permit to construct sewers or connections shall furnish the chief building inspector with a copy of the wastewater discharge permit.

#### 10.12.060 Permit modifications.

Wastewater discharge permits subject to the categorical pretreatment standards will be modified by the POTW, as soon as possible, subsequent to a change in federal standards. Where a categorical user has not previously submitted an application for a wastewater discharge permit, the user shall apply for a wastewater discharge permit within one hundred eighty days after the promulgation of the applicable categorical pretreatment standard. In addition, a user with an existing wastewater discharge permit shall submit to the superintendent within one hundred eighty days after the promulgation of an applicable federal categorical pretreatment standard the information required by Section 10.12.040.

#### 10.12.070 Permit conditions.

(a) Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established

by the city or the POTW. Commercial and industrial users must maintain a current city business license.

(b) Permits must contain the following provisions:

(1) Effluent limits, including best management practices, based on applicable pretreatment standards;

(2) The duration of the permit;

(3) A statement that the permit is nontransferable without prior notification to the POTW and provision of a copy of the permit to the new owner or operator;

(4) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, sampling type based on federal, state and local law;

(5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 10.12.130(d);

(6) Requirements to control slug discharge, if determined by the superintendent to be necessary;

(7) A statement of applicable civil and criminal penalties for violation of pretreatment standards; and

(8) Any applicable compliance schedules.

(c) Permits may contain additional provisions, including, but not limited to:

(1) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate or prevent the introduction of pollutants into the POTW;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges;

(4) Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection, monitoring and sampling facilities and monitoring equipment;

(7) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with applicable pretreatment standards, including those that become applicable during the term of the individual wastewater discharge permit;

(8) Requirements for notification to the POTW of any increased contributions of pollutants, changes in the nature of pollutants, or of any introduction of new wastewater constituents where such contributions would cause the POTW to violate its NPDES permit. In compliance with 40 CFR 403.12(j), all industrial users must notify the POTW prior to any increased contributions of pollutants, or changes in the character of pollutants in their discharges, including hazardous wastes; and

(9) Other conditions as deemed appropriate by the superintendent to ensure compliance with this chapter, and state and federal laws, rules and regulations.

(d) The superintendent or the superintendent's designee may amend the terms and conditions of a wastewater discharge permit or add new and different terms and conditions to meet the requirements of applicable federal and state statutes, city ordinances and administration orders issued pursuant thereto.

#### 10.12.080 Permit duration.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the POTW during the term of the permit as limitations or requirements are modified or other just cause exists. The user shall be informed of any proposed changes in a permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

#### 10.12.090 Permit transfer.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the POTW. Any succeeding owner or users shall also comply with the terms and conditions of the existing permit.

#### 10.12.100 Permit classifications.

Waste discharge permits shall be issued to applicable users and levied applicable fees as provided for in this chapter and shall be classified as follows:

(a) SIU Permit. An SIU permit shall be issued to all significant industrial users. SIU permit holders are regulated in accordance with the requirements specified in the pretreatment regulations, 40 CFR Part 403 and 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as amended, and this chapter.

(b) Moderate Industrial Users Discharge Permit. A moderate industrial user permit shall be issued, at the discretion of the superintendent, to any user who is not a significant industrial user, yet requires periodic inspection and/or monitoring to verify compliance with this chapter. A moderate industrial user permit may be required for discharge of industrial waste from stationary sources, trucked wastes, contaminated groundwater, and other industrial wastes approved by the superintendent for discharge to the sanitary sewer.

#### 10.12.110 Reporting and recordkeeping requirements for permittee.

(a) In order to effectively administer and enforce the provisions of this chapter, the superintendent may require any discharger to comply with any or all the following requirements:

(1) Discharge Reports. The superintendent may require a user to submit discharge reports, including, but not limited to, questionnaires, technical reports, sampling reports, and test analyses, and periodic reports of wastewater discharge. When a report filed by a person pursuant to this section is not adequate in the judgment of the superintendent, he or she may require such person to supply such additional information as the superintendent deems necessary. The discharge report may include, but is not limited to, the nature of the process, volume and rates of wastewater flow, elements, constituents, and characteristics of the wastewater, together with any information required in an application for wastewater discharge permit.

(2) Baseline Monitoring Report. Within either one hundred eighty days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, each categorical industrial user currently discharging or scheduled to discharge to the POTW shall submit a baseline monitoring report (BMR) to the superintendent that complies with the requirements set forth in 40 CFR 403.12(b), which is incorporated by reference into this chapter. At least ninety days prior to commencement of discharge, new sources and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard shall submit to the superintendent a BMR that complies with the requirements set forth in 40 CFR 403.12(b).

(3) Periodic Compliance Reports. All significant industrial users must submit to the superintendent during the months of June and December, unless required more frequently in the pretreatment standard or by the superintendent, a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge. At the discretion of the superintendent and in consideration of such

factors as local high or low flow rates, holidays, budget cycles, etc., the superintendent may agree to alter the months during which the above reports are submitted. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the user must submit documentation required by the superintendent or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 10.12.140(e) of this chapter.

(4) Compliance Schedule for the Installation of Technology. The superintendent may require each user to develop a compliance schedule for the installation of technology to meet applicable pretreatment standards or requirements that complies with the requirements set forth in 40 CFR 403.12(c). The compliance schedule for the installation of technology is not conditioned on the determination of violations. Any user required to submit a compliance schedule to the superintendent shall submit progress reports to the superintendent in accordance with 40 CFR 403.12(c)(3).

(5) Report on Compliance with Categorical Deadline. Within ninety days after the final date for compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the discharge, all categorical industrial users shall submit to the superintendent a report containing the information set forth in paragraphs b(4) through (6) of 40 CFR 403.12. For categorical industrial users subject to equivalent mass or concentration limits established by the superintendent, the report shall contain a reasonable measure of the user's long-term production rate. For categorical industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual production during the appropriate sampling period.

(6) Notice of Violation/Resampling Report. If sampling by a user indicates a violation, the user shall notify the POTW within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis (following the guidelines in the enforcement response plan) and submit the results of the repeat analysis to the POTW within thirty days of becoming aware of the violation. Resampling by the industrial user is not required if the POTW performs sampling at the industrial user's facility at least once per month or the POTW performs sampling at the industrial user's facility between the time when the initial sampling was conducted and the time when the user or the POTW receives the results of this sampling. Within forty-five days of detecting such violation, the user shall, unless waived by the POTW, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(7) Slug Control Plan. The superintendent shall determine whether each significant industrial user needs a plan to control slug discharges. If the superintendent determines such a plan is required, the significant industrial user shall submit a plan containing at a minimum the following elements: (A) description of discharge practices, including nonroutine batch discharges; (B) description of stored chemicals; (C) procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days; and (D) if necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage area, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(8) Notice of Potential Problems. All industrial users shall notify the POTW immediately of any discharges that could cause problems to the POTW, including any slug loadings.

(9) Notification of Changed Conditions. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under subsection (a)(10) and any changes affecting the potential for a slug discharge.

(10) Notification of Hazardous Waste Discharge.

(A) All industrial users discharging any substance which, if otherwise disposed of, would be a hazardous or acutely hazardous waste under 40 CFR part 261, must comply with the notification requirements in 40 CFR 403.12(p)(1) and (3) unless exempted under the provisions of 40 CFR 403.12(p)(2). Any written notification required by this subsection shall be provided to the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities.

(B) In the case of any notification made under subsection (A), the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. The POTW may accept a copy of a hazardous waste reduction or minimization plan otherwise required by law, as compliance with this requirement.

(11) Other Reports. The POTW may require any other reports, as deemed necessary by the superintendent, to determine a user's compliance status with this chapter and federal and state laws.

(b) The POTW may reduce the requirement for periodic compliance reports set forth in subsection (a)(3) to a requirement to report no less frequently than once a year, unless required more frequently by a pretreatment standard or by the state, where

the industrial user's total categorical wastewater flow does not exceed any of the following:

(1) 0.01 percent of the POTW's design dry-weather hydraulic capacity or five thousand gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;

(2) 0.01 percent of the design dry-weather organic (BOD or TSS) treatment capacity of the POTW; and

(3) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed in accordance with Section 10.12.160(a) of this chapter.

Reduced reporting is not available to industrial users that have in the last two years been in significant noncompliance, as defined in Section 10.12.140(b) of this chapter. In addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the superintendent, decreasing the reporting requirement for the industrial user would result in data that are not representative of conditions occurring during the reporting period.

(c) Recordkeeping Requirements. Users subject to the reporting requirements of this section shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the POTW, or where the user has been specifically notified of a longer retention period by the superintendent.

#### 10.12.120 Monitoring facilities and programs.

(a) The superintendent may require users to conduct and maintain monitoring programs as a means of controlling the quantity and quality of the discharge so that discharges comply with the provisions of this chapter. The monitoring program shall consist of test samples and analyses, the frequency and type of which shall be specified by the superintendent. Upon demonstrating to the superintendent that the user has the necessary qualifications and equipment to conduct the monitoring program or that the user has retained the services of a qualified consultant or laboratory so certified by the State Department of Public Health, the user may conduct this monitoring program. The

user shall submit monitoring reports to the superintendent monthly unless the superintendent determines a different frequency for the periodic monitoring reports, in which case the superintendent shall specify the report frequency to the user by written notice, stating the reasons therefor. If the user fails, refuses or neglects to conduct and maintain the required monitoring program, or does not have qualified personnel and equipment therefor, or does not have the services of a qualified consultant or laboratory so certified by the State Department of Public Health, then the superintendent may establish a monitoring program with POTW personnel if available or with services of a qualified consultant or laboratory so certified by the State Department of Public Health, the cost of which shall be charged to the user and/or parcel owner.

(b) The POTW may require, to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the POTW may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed off-premises. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. The sampling and monitoring facilities shall be provided in accordance with the city's and POTW's requirements and all applicable local construction shall be completed within ninety days following commencement.

(c) Monitoring and Analysis to Demonstrate Continued Compliance.

(1) Except in the case of nonsignificant categorical users, the reports required by Section 10.12.110(a)(2), (a)(3), (a)(5), (a)(6) and (a)(11) shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the POTW in lieu of the industrial user. Where the POTW performs the required sampling and analysis in lieu of the industrial user, the user will not be required to submit the compliance certification required under Section 10.12.140(e). In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.

(2) The reports required in Section 10.12.110(a)(2), (a)(3), (a)(5), (a)(6) and (a)(11) must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the superintendent. Where time-proportional composite sampling or grab sampling is authorized by the

superintendent, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the superintendent, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(3) For sampling required in support of baseline monitoring reports and ninety-day compliance reports required by Section 10.12.110(a)(2) and (a)(5), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the superintendent may authorize a lower minimum. For the reports required by Section 10.12.110(a)(3), (a)(6) and (a)(11), the user shall collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(4) All analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the superintendent or other parties, approved by the EPA.

(5) If an industrial user subject to the reporting requirement in Section 10.12.110(a)(3) monitors any regulated pollutant at the appropriate sampling location more frequently than required by the POTW, using the procedures prescribed in subsection (c)(4) of this section, the results of this monitoring shall be included in the report.

#### 10.12.130 Inspection and sampling.

(a) The POTW shall inspect as the superintendent deems necessary, the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the POTW or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any duties.

The POTW and personnel from other governmental agencies shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the POTW and other governmental agencies will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(b) The superintendent may require any nonresidential user to construct, at the user's own expense, a sampling facility or inspection manhole, together with necessary related measuring and sampling equipment, in accordance with construction standards and specifications of the city and the POTW. The sampling facility, or well, or inspection manhole, shall be constructed on the lateral side sewer of the user and installed at a point where the sampling well intercepts all wastes from the discharging source. The well shall also be within a clear easement area at a location which will permit the POTW access to the facility at all times. Construction shall be completed within sixty days of written notification from the superintendent, unless such time is extended by the superintendent for good cause. The superintendent may require the user to install such sampling facilities or inspection manholes on each lateral sewer.

(c) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(d) The POTW may authorize a categorical industrial user to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

(3) In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater

prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed by an authorized representative, and include the certification statement in Section 10.12.140(e) (40 CFR 403.6(a)(2)(ii)).

(5) Nondetectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the superintendent must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the superintendent for three years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the user's permit by the superintendent, the industrial user must certify on each report with the statement in Section 10.12.140(e), that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately comply with the monitoring requirements of Section 10.12.110(a)(3), or other more frequent monitoring requirements imposed by the superintendent, and notify the superintendent.

(9) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

#### 10.12.140 Pretreatment compliance.

(a) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all pretreatment standards within the time limitations specified by the EPA, state or the superintendent, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the POTW shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be approved by the POTW before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the POTW under the provisions of this chapter or regulations promulgated by the superintendent in accordance with this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and approved by, the POTW prior to the user's initiation of the changes.

(b) The superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements as specified in 40 CFR 403.8 (f)(2)(vii) and additional requirements as specified below. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates subsections (b)(1) through (b)(13) of this section) and means:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, longer term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 10.12.310 to halt or prevent such a discharge;

(5) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to accurately report noncompliance;

(7) Failure to provide within forty-five days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(8) Prohibited discharges that create a fire or explosion hazard, including waste streams with a closed cup flash point of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius);

(9) Prohibited discharges of petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that cause interference or pass through;

(10) Prohibited discharges that result in toxic gases, fumes, or vapors in a quantity capable of causing worker health and safety problems;

(11) Prohibited discharges having a temperature which inhibits biological activity in the POTW resulting in interference;

(12) Prohibited discharges of wastes or wastewater containing any radioactive material, except in compliance with applicable state and federal regulations;

(13) Any other violation or group of violations that the superintendent determines will adversely affect the operation or implementation of the POTW's pretreatment program.

(c) All records relating to compliance with pretreatment standards shall be made available to city, state and federal officials upon request.

(d) The city may seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements, and may seek additional penalties pursuant to 40 CFR 403.8 (f)(1)(vi)(A).

(e) Certification Statements.

(1) Certification of Permit Applications, User Reports and Initial Monitoring Waiver. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 10.12.040; users submitting baseline monitoring reports under Section 10.12.110(a)(2); users submitting reports on compliance with the categorical pretreatment standard deadlines under Section 10.12.110(a)(5); users submitting periodic compliance reports required by Section 10.12.110(a)(3); and users submitting an initial request to forego sampling of a pollutant on the basis of Section 10.12.130(d). The following certification statement must be signed by an authorized representative as defined in Section 10.12.030:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(2) Annual Certification for Nonsignificant Categorical Industrial Users. A facility determined to be a nonsignificant categorical industrial user by the superintendent pursuant to Section 10.12.030 must annually submit the following

certification statement signed by an authorized representative. This certification must accompany an alternative report required by the superintendent:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from/to [months, days, year]:

- (a) The facility described as [facility name] met the definition of a Nonsignificant Categorical Industrial User as described in Section 10.12.030;
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

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(3) Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on Section 10.12.130(d) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 10.12.110(a)(3).

10.12.150 General discharge regulations.

(a) Sanitary sewage shall be discharged only into public sanitary sewers, except as otherwise provided. The discharge of any trucked or hauled waste or pollutant is prohibited, except at points designated by the superintendent. It is unlawful to discharge sewage into any storm sewer.

(b) It is unlawful to discharge or cause to be discharged directly or indirectly, any pollutant or wastewater into any storm sewer or into any sewage facility which will interfere with the operation or performance or pass through of the POTW. These general prohibitions apply to all users whether or not the user is subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. The discharge of the following is prohibited:

(1) Any wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit or sixty degrees Celsius (using the test methods specified in 40 CFR 262.21), liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the water quality control plant. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW or pass through the POTW inadequately treated, such as, but not limited to: grease, petroleum oil, nonbiodegradable cutting oil, or products of mineral origin, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;

(3) Any wastewater having a pH less than 5.0 units or greater than 12.0 units or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the POTW;

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act (33 U.S.C. 1317);

(5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;

(6) Any substance which may cause the water quality control plant's effluent or any other product, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to POTW cause the water quality control plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used;

(7) Any substance which will cause the water quality control plant to violate its NPDES permit or state disposal system permit or the receiving water quality standards;

(8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(9) Any wastewater having a temperature which will inhibit biological activity in the water quality control plant resulting in interference, but in no case wastewater with a temperature at the introduction into the water quality control plant which exceeds forty degrees Celsius (one hundred four degrees Fahrenheit);

(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen minutes more than five times the average twenty-four hour concentration, quantities or flow during normal operation.

The user shall be in compliance with the POTW's local limit relative to flow rate or pollutant concentration. If the POTW has not established a local limit, then the user must not have changed its discharge from prior discharges when the POTW was in compliance with its NPDES permit;

(11) Wastes or wastewater containing any radioactive materials except in compliance with applicable state and federal regulations;

(12) Any pesticides containing algacides, antibiotics, fungicides, herbicides, insecticides or any similar pesticides in amounts deleterious to any sewage treatment process or to the aquatic life of the waters receiving the effluent;

(13) Any wastewater or pollutant which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker or public health or safety problems.

When the superintendent determines that a user is contributing any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the superintendent or the city shall take enforcement action as necessary to get such user to correct the interference. In the event of imminent harm to the public, the superintendent or the city may take whatever action is necessary to correct the interference, and the user shall be responsible for all costs incurred.

(c) Fats, Oils and Grease.

(1) It is unlawful for any person to dispose of any grease, or cause any grease to be disposed, by discharge into any drainage piping, by discharge into any public or private sanitary sewer, by discharge into any storm drainage system, or by discharge to any land, street, public way, river, stream or other waterway.

(2) No person shall discharge, or cause to be discharged, any wastewater from a food service establishment directly or indirectly into the public sewer without first obtaining a wastewater discharge permit pursuant to this chapter.

(3) The owner of every newly constructed, remodeled, or converted commercial or industrial facility with one or more grease generating activities, including food service establishments with new or replacement kitchens, shall install or cause to be installed a grease interceptor for each grease generating activity, of a size equal to or greater than the minimum size meeting the definition of "grease interceptor," as defined in the currently adopted edition of the Uniform Plumbing Code. In no case shall any grease interceptor flow less than twenty gallons per minute (gpm). The installation of new garbage disposals in any commercial or industrial facility is prohibited.

(3) The owner of every commercial or industrial generator of grease, including food service establishments, serviced by a sewer collection line found to have a grease blockage, a history of grease blockage, or accelerated line maintenance resulting from grease disposal, shall install or cause to be installed a grease removal device upon notification by the superintendent. If heavy solids accumulate causing a sewer blockage or accelerated line maintenance, the commercial or industrial generator shall remove any garbage disposal upon notification by the superintendent.

(4) All grease removal devices shall be installed on the premises where grease is used or generated and shall be sized in conformance with the then currently adopted edition of the Uniform Plumbing Code. The contents of all grease removal devices shall be removed periodically as necessary to prevent violations of this chapter. At a minimum, the contents shall be removed every six months. All grease removal devices shall be kept in good repair, and shall be maintained in continuous operation. A log of all grease removal activities shall be maintained at the facility showing the date of removal, the amount removed and the disposition of the removed contents. The log shall be retained for a period of three years, and shall be available for inspection by POTW inspectors upon request.

(5) Grease emulsifiers or enzymes are prohibited for use in grease interceptors or traps.

(d) Discharge of Groundwater.

(1) The superintendent may approve the discharge of ground waters to the sanitary sewer only when such source is deemed unacceptable by state and federal authorities for discharge to surface waters of the United States, whether pretreated or untreated, and for which no reasonable alternative method of disposal is available. No discharge of such waters shall occur except as specifically authorized in a waste discharge permit or other written authorization.

(2) Groundwater containing petroleum products may be authorized for disposal to the sanitary sewer and shall comply with the requirements of Section 10.12.160.

(3) Groundwater sources may include but are not limited to: (A) construction site dewatering where soil or groundwater contamination is present; (B) groundwater contaminated with organic solvents generated as a result of pump tests in preparation for a groundwater cleanup or water generated during sampling events; (C) aqueous wastes generated by either permanent or mobile hazardous waste treatment units used to treat hazardous waste at the generator's site; and (D) aqueous wastes generated as a result of site cleanup activities. A permit must be obtained prior to commencement of discharge, and request for such permits shall be submitted not less than thirty working days prior to intended discharge.

(4) The superintendent may limit groundwater discharges to an allocation that will protect the hydraulic capacity of the POTW. Real properties of the city shall have priority to said allocation. Allocations for other permit holders may be reduced, but not eliminated, to equitably accommodate the needs of the agencies to discharge treated groundwater to the sanitary sewer. Should such a permit holder discontinue discharging for more than ninety days, the permit holder shall be notified in writing of the superintendent's intention to cancel the permit.

(5) The superintendent may impose upon the user a hydraulic loading charge for discharge of groundwater or other waters in cases where conventional sewer service charges applied by the city do not account for said flows or uses. User discharges which exceed ten thousand gallons per batch discharge or users undertaking long term discharges of groundwater to the sanitary sewer shall be metered and levied a charge based upon the basic sewer service charge rate established by the city, as applicable.

(e) Swimming Pools and Water Features.

(1) The superintendent may approve discharge to the sanitary sewer from swimming pools, spas, whirlpools, fountains and landscape water features on a case-by-case basis. A person who desires to drain such facility to the sanitary sewer system shall first obtain permission from the superintendent prior to the discharge if the discharge volume is greater than one thousand gallons or the flow rate is anticipated to exceed twenty gallons per minute. Permission may be granted if the discharge conforms to discharge standards and will not cause a hydraulic overload condition in the sewer system.

(2) If the user has no connection to the city's sewer system available, these waters may be surface discharged provided the following conditions are met: (A) the discharge of the water shall not contain residues of algaecides, disinfectants or other toxic chemical constituents that may violate any local, state or federal water quality law or regulation; (B) the discharge of the water shall in no way create a public nuisance; (C) the discharge of the water shall in no way damage, destroy, erode, or impair surrounding property; and (D) the user has obtained permission from the superintendent for the discharge.

(3) In the event that permission to discharge to the sanitary sewer and storm drain is denied, the waters must be disposed at a legal disposal site. The person conducting the discharge shall be required to provide proof of disposal upon the POTW's request.

10.12.160 Wastewater concentration of chemicals.

(a) It is unlawful to discharge or cause to be discharged any wastewater into the public sanitary sewers if the concentration of any of the constituents of the wastewater exceeds the local limits established by resolution or ordinance of the city council of the City of South San Francisco. (Maximum permissible concentrations are normally expressed in milligrams per liter.)

(b) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(c) The superintendent may impose quantitative limitations, e.g., pounds per day limits, on discharges or any constituent of the wastewater when the discharge or constituent may unreasonably overload, adversely affect the facilities or have a harmful effect upon the receiving waters. Mass emission rates or other similar techniques having a reasonable relationship to evaluating or measuring waste discharges may be used.

10.12.170 Federal categorical pretreatment standards.

(a) Industrial users must comply with applicable categorical pretreatment standards, prohibited discharge standards, or local limits, whichever are the most stringent.

(b) The categorical pretreatment standards, found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471, are hereby incorporated into this chapter. The superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR Section 403.12.

10.12.180 Modification of federal categorical pretreatment standards.

Where the water quality control plant achieves consistent removal of pollutants limited by federal pretreatment standards, the POTW may apply for modification of specific limits in the federal pretreatment standards. "Consistent removal" means reduction in the amount of a pollutant or alteration of the nature of the pollutant by the water quality control plant to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent of the samples taken when measured according to the procedures set forth in 40 CFR, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution." The POTW may then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR Section 403.7 are fulfilled and prior approval is obtained.

**10.12.190 Excessive discharge.**

Except where expressly authorized by an applicable pretreatment standard or requirement, it is unlawful to increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limits contained in the categorical pretreatment standards, or in any other pollutant specific limitation developed by the city, POTW or state. The superintendent may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 10.12.110(a)(3) shall indicate the mass of pollutants regulated by pretreatment standards in the discharge of the user.

**10.12.200 Accidental discharges.**

(a) Each user shall provide protection from accidental discharge of prohibited materials or other regulated substances. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the POTW for review, and shall be approved by the POTW before construction of the facility. No user shall be permitted to discharge to the POTW until accidental discharge procedures have been approved by the POTW. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of discharge, type of waste, concentration and volume, and corrective actions.

(b) Within five days following an accidental discharge, the user shall submit to the superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under this code or other applicable laws.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

**10.12.210 Bypass of treatment facilities.**

A user shall notify the POTW of any upset or unanticipated bypass within twenty-four hours of becoming aware of the upset or unanticipated bypass. The user

shall submit the following information to the POTW: (a) a description of the discharge and the cause of the upset or unanticipated bypass; (b) the period of noncompliance including exact dates and times or, if not corrected, the anticipated time the upset/bypass is expected to continue; and (c) the steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the upset or bypass.

10.12.220 Batch discharges.

Batch discharges to the sanitary sewer of five thousand gallons or more of any regulated constituents or pollutants not consistent with a user's application must receive approval from the environmental compliance office prior to the discharge. The user's request shall indicate the quantity, constituents, and proposed time of the discharge.

10.12.230 Harmful discharges.

(a) The superintendent may suspend the wastewater treatment service or a wastewater discharge permit when such suspension is necessary, in the opinion of the superintendent, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or threatens to cause interference to the POTW, or causes or threatens to cause the POTW to violate any condition of its NPDES permit.

(b) Any user notified of a suspension of the wastewater treatment service or the wastewater discharge permit shall immediately stop or eliminate the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including a cease and desist order or immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to the POTW or endangerment to any individuals. The city shall reinstate the wastewater discharge permit or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the city within fifteen days of the date of occurrence.

10.12.240 Fees and financial guarantees.

(a) The city may adopt fees to provide for the recovery of costs from users of the POTW. Such fees may include, but are not limited to, connection charges, permits, monitoring, inspections and surveillance procedures, accidental discharge matters, appeals, reimbursement of costs incurred by city for removal of pollutants, and any other fees the city deems necessary to carry out the requirements of this chapter. The applicable fees shall be as set forth in the city's master fee schedule.

(b) A sewer connection fee shall be paid by the user or parcel owner for connection to a public sanitary sewer at the time the building permit is issued, or if no building permit is necessary, prior to the time the connection is operational. When a change in use from residential to commercial occurs, the difference in connection charges shall be paid.

(c) Initial applications and renewal applications for a wastewater discharge permit shall be accompanied by a nonrefundable processing fee.

(d) If the imposition of special controls on wastewater discharges become necessary, a corporate surety bond or equivalent guarantee to insure performance may be required of a user.

#### 10.12.250 Confidential information.

(a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, NPDES permit, state disposal system permit or the pretreatment programs. Such a report shall be available for use by the city or state and governmental agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the city as confidential, shall not be transmitted to any governmental agency, with the exception of the EPA, in compliance with 40 CFR 403.8 (f)(1)(vii) and 40 CFR 403.14, or to the general public by the city until and unless a ten day notification is given to the user.

#### 10.12.260 Authority of superintendent and deputy public services director of utilities and operations ("deputy director").

The superintendent and deputy director have the authority to enforce compliance with the provisions of this chapter, and to promulgate regulations designed to assist in achieving compliance.

#### 10.12.270 Warning letters.

Warning letters may be issued to an industrial user for any of the following reasons:

(a) When the result(s) of sampling demonstrates that a violation of local or federal limits has occurred by an industrial user, and when the value of the sampled data is less than a value deemed by technical review criteria (TRC) to be "a significant violation," and the result is not part of a recurring pattern of violations. The warning letter shall direct the industrial user to resample and take appropriate corrective action(s) to abate the violation of its discharge permit by a specific time and shall require the

industrial user to submit a written response describing the corrective action taken to abate the violation.

(b) When conditions are observed during the course of an on-site inspection or routine surveillance which may compromise an industrial user's ability to comply with its wastewater discharge permit.

(c) When a user fails to promptly submit self-monitoring reports or sample test results as required in the industrial user's wastewater discharge permit.

#### 10.12.280 Notice of violation.

Whenever the source control inspector finds that any user has violated or is violating the provisions of this chapter, the inspector may serve upon such user a written notice stating the nature of the violation. Within forty-five days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

#### 10.12.290 Show cause hearing.

(a) Any user who causes or allows an unauthorized discharge to enter the POTW may be ordered to show cause before the deputy director why the proposed enforcement action should not be taken. Notice of the hearing shall be served personally or by registered or certified mail return receipt requested at least ten days before the hearing. Service may be made on any agent or officer of a corporation.

(b) After an informal hearing is held the superintendent shall render a decision in writing.

#### 10.12.300 Abatement order.

When the city finds that a discharge of wastewater is taking place or threatening to take place in violation of prohibitions or limits of this chapter, or regulations promulgated by the superintendent in accordance with this chapter, or wastewater source control requirements or the provisions of a wastewater discharge permit, the city may issue an abatement order directing the user to:

(a) Comply forthwith;

(b) Comply in accordance with a reasonable time schedule set by the superintendent; or

(c) In the event of a threatened violation, take appropriate remedial or preventive action.

In cases of imminent harm to the public, the superintendent or city may enter private property if necessary to sever service.

#### 10.12.310 Summary abatement.

Whenever any discharge or potential discharge causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public, the condition or use may be summarily abated by the city without notice or hearing. Summary abatement shall be ordered only by the public services director. Summary abatement shall be limited to those actions necessary to eliminate the immediate threat to the public health and safety. Notice of the summary abatement shall be served personally or by registered or certified mail, return receipt requested. Service may be made on an agent or officer of a corporation. The costs and expenses of a summary abatement may be made a lien on the property and may be collected pursuant to the procedure set forth in Section 10.12.360.

#### 10.12.320 Grounds for revocation or modification of permit.

A wastewater discharge permit may be revoked for good cause, including, but not limited to, the following reasons:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of the discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; and
- (d) Violation of any permit conditions or the requirements of this chapter.

#### 10.12.330 Revocation or modification procedure.

(a) An action to revoke or modify a permit may be initiated in writing by the superintendent or deputy director. The initiating request shall be filed with the public services director and shall set forth grounds for revocation or modification.

(b) Within thirty days after the initiating request is filed, the public services director shall hold a hearing. Notice of the hearing shall be served personally or by registered or certified mail return receipt requested at least ten days before the hearing. Service may be made upon any agent or officer of a corporation. At the time and place designated in the notice, the public services director shall hear and consider all relevant evidence. The hearing shall not be conducted according to the formal rules of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely on in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining direct evidence, but hearsay evidence shall not be sufficient by itself to support a finding unless it would be admissible over objections in civil actions in courts of competent jurisdiction in this state. The discharger may represent itself or be represented by anyone of its choice. The hearing may be continued from time to time.

(c) Within ten days of the conclusion of the hearing, the public services director shall render a written decision setting forth the factual findings. The public services director may revoke or modify the terms of the permit. The decision of the public services director is final.

#### 10.12.340 Appeals.

(a) Review by deputy director. Any discharger affected by any decision, action, or determination, including abatement orders, made by the superintendent or deputy director in interpreting or implementing the provisions of this chapter, or any permit issued hereunder, may file with the deputy director a written request for review within ten days of such decision, action, or determination, setting forth in detail the facts supporting the request. The deputy director shall complete the review and issue a written determination within ten days after receipt of the request, unless the public services director reasonably extends the time thereof.

(b) Written appeal to public services director. The deputy director's original decision, action or determination, and action taken after review may be appealed by the discharger to the public services director by filing a written appeal within ten days after notice of the decision. The written appeal shall specify the factual and legal basis of the appeal. Within thirty days after the written appeal is filed, the public services director shall hold a hearing. Notice of the hearing shall be served personally or by registered or certified mail return receipt requested, at least ten days before the hearing. Service may be made upon any agent or officer of a corporation.

(1) At the time and place designated in the notice, the public services director shall hear and consider all relevant evidence. The hearing shall not be conducted according to the formal rules of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely on in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but hearsay evidence shall not be sufficient by itself to support a finding unless it would be admissible over objections in civil actions in courts of competent jurisdiction in this state. The discharger may represent itself or be represented by anyone of its choice. The hearing may be continued from time to time.

(2) Within ten days after the conclusion of the hearing, the public services director shall render a written decision and where applicable an order of abatement. This decision shall set forth the factual findings made, the conclusion reached, any abatement required, and the date by which such abatement shall occur. The decision of the public services director is final.

#### 10.12.350 Damage, obstruction or impairment to facilities.

Any person who intentionally or negligently damages, obstructs or otherwise impairs a public sewer, water quality control plant or appurtenance thereto shall be

liable for such action and the city may assess the costs of repair against such person, or seek reimbursement through a court action.

#### 10.12.360 Costs of abatement.

(a) The superintendent shall keep an itemized statement of costs incurred by the city in abating or otherwise responding to violations of this chapter. Once a violation matter is concluded, the superintendent shall provide a copy of this statement to the discharger and to the public services director. The discharger may request a hearing before the public services director to contest the statement of costs. The request for a hearing shall be made within ten days of receipt of the statement or the right to hearing shall be deemed waived. The public services director shall review the statement of costs and any information presented by the discharger, and may make any necessary revisions, corrections or modifications. The decision of the public services director is final.

(b) The procedure for recording the statement of costs as a lien against the property involved shall be as follows:

(1) If payment of the assessed costs and expenses is not received by the finance director within thirty days of the date appearing on the decision of the public services director, the finance director shall send to the city clerk two originals of a declaration that payment was not received. Upon receipt of the declaration of the finance director, the city clerk shall set a notice and hearing before the city council for the purpose of adopting a resolution confirming the statement of costs.

(2) After holding a hearing the city council may adopt a resolution. The city clerk shall forward to the office of the recorder of the county of San Mateo one original certification by the finance director that payment was not received and one certified true copy of the resolution of the city council confirming the statement of costs with the statement of costs attached as an exhibit.

#### 10.12.370 Criminal prosecution.

Any user who is found to have willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, may be charged with a misdemeanor for each offense and, upon conviction, shall be punished in accord with Chapter 1.28 of this code, unless otherwise specified. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

#### 10.12.380 Falsifying information.

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method shall be subject to misdemeanor

prosecution and upon conviction, shall be punished in accord with the provisions of Chapter 1.28 of this code.

#### 10.12.390 Civil damages.

Any person who violates any provision of this chapter, any wastewater discharge permit, or any order issued pursuant to this chapter or who creates a condition of pollution is hereby deemed to have created a public nuisance. Such person(s) shall be strictly liable for the sum of ten thousand dollars for each day, or portion thereof, during which the violation occurs.

In addition, a user may be liable for up to twenty-five thousand dollars a day for each violation, as set forth in California Government Code Section 54740. In lieu of the civil penalties, the city may impose administrative penalties in the following amounts, as set forth in California Government Code Section 54740.5: (a) up to two thousand dollars for each day for failing or refusing to furnish technical or monitoring reports; (b) up to three thousand dollars for each day for failing or refusing to timely comply with any compliance schedule established by the city; (c) up to five thousand dollars per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the city; (d) up to ten dollars per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the city. Furthermore, the amount of such civil administrative penalties that have remained delinquent for a period of sixty days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty.

#### 10.12.400 Injunction.

Whenever a discharge of wastewater is in violation of the provisions of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, an injunction may be sought to restrain the continuance of such discharge. The city may petition the Superior Court for the issuance of a temporary or permanent injunction, or both, as the case may be, restraining the continuance of such discharge. The city may also seek an injunction against nondischarge violation of pretreatment standards or requirements, or any other violation of this chapter.

#### 10.12.410 Cost recovery by city.

In addition to the penalties provided herein, the city may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

#### 10.12.420 Remedies cumulative.

The remedies identified in this chapter are in addition to and do not supersede or limit any other civil or criminal remedies.

Section 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions or sections of this Ordinance. The City Council of San Bruno hereby declares that it would have adopted this Ordinance, and each section, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 3. This Ordinance shall take effect and be in force 30 days after its adoption.

Section 4. The City Clerk shall publish this Ordinance according to law.

APPROVED:

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

I hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was introduced at a regular meeting of the City Council of the City of San Bruno on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and was passed and adopted at a regular meeting of said City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following called vote:

AYES:            COUNCILMEMBERS:

NOES:            COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

By: \_\_\_\_\_  
City Clerk

1786497.1



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** February 14, 2012

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

**FROM:** Marc Zafferano, City Attorney  
Klara A. Fabry, Public Services Director

**SUBJECT:** Receive Report and Provide Direction Regarding Revision of Fats, Oils, and Grease (FOG) Ordinance of the San Bruno Municipal Code (Chapter 10.12) and FOG Program Relating to Water Quality Control

**BACKGROUND:**

State and federal law requires pretreatment of discharges into the sewer system, before reaching the Treatment Plant.

The City of San Bruno and the City of South San Francisco jointly own the South San Francisco and San Bruno Water Quality Control Plant ("Treatment Plant"). The Treatment Plant is regulated by Regional Water Quality Control Board, San Francisco Bay Region Order No. R2-2008-0094, NPDES No. CA0038130 ("NPDES Permit"). The NPDES Permit requires cities to adopt ordinances regulating certain commercial and industrial discharges to the Treatment Plant in accordance with the Federal Pretreatment Regulations in 40 CFR Part 403. The City's pretreatment ordinance is set forth in Chapter 10.12 of the City's Municipal Code.

Pursuant to an agreement between the cities, South San Francisco operates the Treatment Plant and implements the provisions in Chapter 10.12 on San Bruno's behalf. In this role, South San Francisco issues permits to commercial and industrial dischargers in San Bruno and conducts annual inspections of such dischargers to ensure they are complying with San Bruno's pretreatment ordinance.

San Bruno and South San Francisco are required to have consistent pretreatment ordinances and implementation programs for fats, oils, and grease

Fats, oils, and grease account for over 37% of San Bruno's sanitary sewer overflows ("SSOs"). These overflows cause potentially expensive property damage, displace homeowners and businesses, and create environmental and health hazards. Because South San Francisco administers a joint pretreatment program that covers both San Bruno and South San Francisco, San Bruno's pretreatment ordinance should be consistent with South San Francisco's.

When Chapter 10.12 was initially adopted in 1995, it was nearly identical to South San Francisco's pretreatment ordinance, which is set forth in Chapter 14.08 of that city's Municipal Code. However, in 2010, South San Francisco amended its pretreatment ordinance to incorporate provisions required by the Federal Pretreatment Streamlining Rule and to add specific provisions regulating the discharge of fats, oils and grease ("FOG") from food service establishments ("FSEs"). Because San Bruno's pretreatment ordinance now differs from South San Francisco's, modifications to Chapter 10.12 are needed to make it consistent.

In addition, modifications to Chapter 10.12 are needed to comply with the San Bruno's obligations under a Consent Decree with San Francisco Baykeeper ("Baykeeper"). On September 27, 2011, San Bruno entered into a Consent Decree to resolve Baykeeper's claims regarding SSOs from the sewage collection system. The Consent Decree requires, among other things, that San Bruno cooperate with South San Francisco to continue consistent implementation of a program to address SSOs caused by FOG discharged to the City's collection system by residential and commercial buildings. In particular, the Consent Decree requires San Bruno to revise the City's Municipal Code, as needed "to provide the authority for the City to cooperate fully with South San Francisco in the latter's implementation of a joint FOG Program that will encompass San Bruno."

Staff has proposed amendments to Chapter 10.12 ("Proposed Ordinance") to make San Bruno's pretreatment ordinance consistent with South San Francisco's and to comply with the FOG Program requirements in the Baykeeper Consent Decree.

#### **DISCUSSION:**

San Bruno has been cooperating with South San Francisco to implement and enforce its FOG pretreatment ordinance and program since 2009

The Baykeeper Consent Decree with San Bruno requires the City to either: 1) continue its past practice of working with South San Francisco to implement and enforce San Bruno's FOG ordinance and Program; or 2) discontinue this past practice, and independently implement and enforce the FOG ordinance and Program in San Bruno using its own staff instead of staff from South San Francisco.

Staff recommends continuing the existing arrangement, which has served San Bruno well in the last few years. South San Francisco has four experienced and trained staff to handle the inspection workload.

South San Francisco has been implementing and enforcing its FOG Program in San Bruno, with San Bruno's assistance, since 2009. This Program is consistent with San Bruno's and South San Francisco's ordinance. Therefore, modifying San Bruno's ordinance and adopting a FOG Program like South San Francisco's will not grant any new authority over regulation of FOG or FSEs, but will merely clarify and provide more detail regarding how sewer discharges are regulated.

Implementation and enforcement of the FOG ordinance and program has involved inspections, education, outreach, and installation of grease control devices in FSEs

Starting in 2009 the Treatment Plant added additional staff to increase inspections of FSEs in both cities. In 2009, 22 FSEs in San Bruno were inspected, 35 were inspected in 2010, and 87 were inspected in 2011. All of the approximately 140 FSEs in San Bruno are currently scheduled for inspection by June 30, 2012, and South San Francisco's Baykeeper Consent Decree requires that each FSE be inspected at least once per year thereafter. As part of the process, each FSE must obtain a discharge permit from the Treatment Plant, first passing an initial inspection to ensure that an appropriately sized grease capture device is installed and properly maintained (if a grease control device is deemed necessary), and that kitchen staff adhere to best management practices ("BMPs") to limit the amount of fats, oils and grease that are discharged into the sewer system. After an FSE receives their permit, Treatment Plant personnel conduct inspections on an annual basis.

If an inspector identifies problems with either the grease capture device, its maintenance, or other issues related to FOG, a series of progressive enforcement actions is initiated, starting with education, then verbal warnings, Notices of Violation, and potential civil/criminal penalties. Since 2009, San Bruno businesses have required only education and verbal warnings to achieve compliance. Attachment 1 contains a full description of the FOG Program and Enforcement Response Plan for FSEs. The increased number of regular inspections means that FSEs in San Bruno who do not comply with the Program could be subject to enforcement actions in the future.

The Proposed Ordinance (Attachment 2) adds new provisions to clarify the FSE regulatory process and to more specifically address SSOs caused by discharges of FOG from FSEs. In particular, whereas the current ordinance references the need for commercial establishments to obtain a discharge permit and generally describes how pollutants are regulated, Section 10.12.150(c) of the Proposed Ordinance expressly prohibits the discharge of FOG into the sewer system and requires all FSEs to obtain a wastewater discharge permit.

Newly constructed, remodeled or converted FSEs would continue to be required to install a grease interceptor. Grease interceptors are a particular type of grease removal device that are located underground between an FSE and the connection to the public sewer. The device, which for large FSEs can cost up to \$30,000, separates grease from the wastewater as it moves from one compartment to the next. To be effective, interceptors must be cleaned and maintained by properly removing and disposing of the grease at regular intervals; the FSE is required to keep a log of these maintenance activities.

Existing FSEs that have caused a grease blockage or have needed accelerated sewer line maintenance would continue to be required to install a grease removal device, which could be either a trap, if none currently exists, or an interceptor if the trap is not sufficiently effective. "Traps" are typically smaller, cost approximately \$1,500, and are less effective grease removal devices installed under sinks; they must be cleaned and maintained frequently. Most San Bruno FSEs already have either an interceptor or trap.

Lastly, the Proposed Ordinance clarifies that the City of South San Francisco has authority to administer, implement and enforce the provisions of Chapter 10.12, including but not limited to, the newly added FOG provisions, as required by the Baykeeper Consent Decree. Specifically, the ordinance delegates enforcement authority to both the Treatment Plant Superintendent and the Public Services Deputy Director of Utilities & Maintenance, ensuring that San Bruno remains involved and ultimately responsible for all enforcement actions. FSEs in San Bruno may appeal any proposed enforcement action to the Public Services Director.

In addition to ordinance changes, staff will also be continue to conduct specific outreach related to FOG in residential neighborhoods. Last year the Cable Department produced a short segment that continues to play on Channel 1, advising residents that putting grease down the drain is both illegal and creates environmental hazards. This will be complemented with citywide utility bill inserts and targeted postcards and door-hangers near areas that have FOG-induced SSOs. Combined with the continued implementation of the FSE inspection program, this outreach is designed to lead to fewer SSOs caused by FOG, so the City can meet the annual SSO targets required by the settlement agreements.

#### Timeline for adoption of FOG ordinance and program

The City of San Bruno's Baykeeper Consent Decree required that a modified ordinance related to FOG be presented to the City Council for consideration by January 31, 2012 and that any formal action take place within 60 days thereafter. As both staff and Baykeeper attorneys desired additional time to develop and review the draft ordinance, the January 31<sup>st</sup> deadline was extended to February 29, with the 60 days to run thereafter.

#### **FISCAL IMPACT:**

None. The proposed ordinance does not change how the FSE inspection program operates in San Bruno. All costs associated with the program are paid as part of the Treatment Plant's annual operating expenses. The costs associated with inspection of San Bruno FSEs are approximately \$30,000.

#### **RECOMMENDATION:**

Discuss and provide direction regarding revision of FOG ordinance, FOG Program, and enforcement and implementation of proposed new Chapter 10.12 of the San Bruno Municipal Code Relating to Water Quality Control.

#### **ALTERNATIVES:**

1. Direct staff to make changes to the proposed FOG Ordinance or FOG Program.
2. Direct staff to provide further information at a subsequent meeting.

#### **ATTACHMENTS:**

1. The City of San Bruno Fats, Oils and Grease (FOG) Program
2. Proposed San Bruno Ordinance

REVIEWED BY:

\_\_\_\_\_ DH

\_\_\_\_\_ CM

# CITY OF SAN BRUNO

## FATS, OILS AND GREASE (FOG) PROGRAM

### I. INTRODUCTION

#### (1) SANITARY SEWER OVERFLOWS

Sanitary sewer overflows (SSOs) may be composed of domestic, industrial and/or commercial wastewater, depending on the pattern of land use in the area. High levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen-demanding organic compounds, oil and grease and other pollutants may be present, potentially leading to a public nuisance, particularly when raw, untreated wastewater is discharged to areas with high public exposure, such as streets or surface waters used for drinking, fishing or body contact recreation. Pollution of surface or ground waters may also result from SSOs, threatening public health, adversely affecting aquatic life, and impairing the recreational use and aesthetic enjoyment of surface waters.

Major causes of SSOs include grease blockages, root infiltration, sewer line flood damage, manhole structure failures, vandalism, pump station mechanical failures, power outages, excessive storm or ground water inflow/infiltration, debris blockages, sanitary sewer system age, pipe failures, lack of proper operation and maintenance, insufficient capacity, and contractor-caused damages. Many SSOs are preventable with adequate and appropriate facilities, source control measures and proper operation and maintenance of the sanitary sewer system.

#### (2) JUSTIFICATION FOR THE IMPLEMENTATION OF A FOG PROGRAM

Approximately 37% of sewer main SSOs in San Bruno between 2007 and 2010 resulted from grease blockages, more than from any other single source. Since FOG is a significant component of the wastewater generated by food service establishments (FSEs), they are an obvious target for source control measures to reduce SSOs. There are approximately 140 FSEs in San Bruno included in the program. Through inspection and enforcement, it is the City's goal to minimize discharges of FOG to the sewer through the implementation of best management practices (BMPs) by FSEs; a corollary reduction in the number of SSOs caused by grease blockages is expected.

### II. LEGAL FRAMEWORK

#### (1) AUTHORITY

The City of South San Francisco-San Bruno Water Quality Control Plant (WQCP) is subject to discharge requirements as set forth in Order No. R2-2008-0094, NPDES No. CA0038130. This permit requires monitoring and/or inspections of businesses that discharge to the WQCP. It is under the authority of this permit that the City of South San Francisco Environmental Compliance Inspectors perform inspections on various facilities in San Bruno that discharge wastewater to the WQCP.

(2) MUNICIPAL CODE

The following Chapters of the San Bruno Ordinance demonstrate the City's Legal Authority to Prohibit FOG Discharges

**10.04.180 Grease.**

"Grease" means greases, oils, fats, fatty acids, waxes, soaps, or other matter which is so determined in accordance with the Standard Methods examination for grease in polluted waters. (Ord. 1562 § 2(part), 1995)

**10.12.200 General discharge regulations.**

Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease concentration exceeding one hundred mg/l, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or any suspended solids exceeding two hundred fifty mg/l.

*The City of San Bruno is in the process of aligning it's Wastewater Quality Control municipal code sections to align with the municipal code of South San Francisco. The following South San Francisco code provisions also relate to FOG and will be incorporated into San Bruno's municipal code.*

**14.08.030 Definitions.**

"Grease" means greases, oils, fats, fatty acids, waxes, soaps or other matter which is so determined in accordance with the standard methods examination for grease in polluted waters.

**14.08.210 General discharge regulations.**

(1) It is unlawful for any person to dispose of any grease, or cause any grease to be disposed, by discharge into any drainage piping, by discharge into any public or private sanitary sewer, by discharge into any storm drainage system, or by discharge to any land, street, public way, river, stream or other waterway.

(2) The owner of every newly constructed, remodeled, or converted commercial or industrial facility with one or more grease generating activities, including food service facilities with new or replacement kitchens, for which a building permit application is submitted on or after January 1, 2010, shall install or cause to be installed a grease interceptor for each grease generating activity, of a size equal to or greater than the minimum size meeting the definition of "grease interceptor," as defined in the currently adopted edition of the Uniform Plumbing Code. In no case shall any grease interceptor flow less than twenty gallons per minute (gpm). The installation of new garbage disposals in any commercial or industrial facility is prohibited.

**15.12.060 California Plumbing Code appendices adopted.**

Appendix D, "Sizing Stormwater Drainage Systems," and Appendix H, "Recommended Procedures for Design, Construction and Installation of Commercial Kitchen Grease Interceptors" are adopted. (Ord. 1331 § 2 (part), 2004) polishing wastes, or any suspended solids exceeding two hundred fifty mg/l.

**(3) WASTEWATER DISCHARGE PERMIT REQUIREMENT**

Throughout the service area, FSEs are required to obtain permits from the WQCP to discharge wastewater to the sanitary sewer. Such permits provide a consistent and legally enforceable framework for treatment of wastewater by FSEs. Permits are valid for three years from the date of issue, are non-transferrable, may be revoked or modified by the City, require renewal a minimum of 30 days prior to expiration, and include general discharge prohibitions and specific permit conditions. A fee (\$120) is imposed at the time of application.

**(a) SPECIFIC PERMIT CONDITIONS**

Specific permit conditions may include one or all of the following: right of access for City personnel, prohibition of washing outdoors where washwater may flow to the storm drain system, right of the City to collect from the facility all costs incurred as a result of a sewage spill caused by the FSE including fines imposed upon the City, requirements for grease interceptor cleaning frequency, requirement that the facility keep a log of grease interceptor maintenance, and the prohibition of dumping large quantities of greasy waste down sewer drains. Additional permit conditions may be imposed at the discretion of City personnel.

**III. ADMINISTRATIVE CONTROLS**

The administration of the FOG control program involves multiple departments within the City, though the primary responsibility falls on Water Quality Control. A master list of FSEs is maintained by the Environmental Compliance Program; it is used to prioritize inspections, coordinate follow-up and to keep permits current. Business license applications are forwarded from the Finance Department when FSEs move or change ownership. When new development or tenant improvement plans are submitted to the Building Department, Water Quality Control verifies that appropriate grease removal devices are to be installed as a condition of the issuance of a building permit. Water Quality also denies permit approval to projects that include the installation of new garbage disposals. City personnel advise Environmental Compliance Inspectors when SSOs are caused by grease. Municipal Code allows that a business found to be the source of such an SSO may be required to install or upgrade existing grease removal equipment. In the event that a garbage disposal is in use and is suspected to have caused a problem, Water Quality may require its removal. The Environmental Compliance Program is responsible for ensuring that FSEs comply with such requirements.

**IV. INSPECTION AND MONITORING****(1) APPLICABILITY**

Regulated FSEs include food production facilities not covered under the Pretreatment Program, institutional food-service establishments, full-service restaurants, fast food outlets, coffee shops and concessions associated with other businesses where food is prepared. Each is subject to periodic

inspection. Whether or not a specific business qualifies as an FSE is ultimately up to the discretion of Environmental Compliance Inspectors.

## (2) PROGRAM STANDARDS

In prior years, inspections were performed on a three-year cycle. Beginning with calendar year 2011, FSEs are inspected every year. Where violations are discovered, remediation is required within 30 days. Violations include failure to implement applicable BMPs, failure to keep records of grease removal device cleaning, utilization of enzymes or emulsifiers in grease removal devices, operating without a valid wastewater discharge permit, and being shown to be the cause of an SSO.

### (a) BMPS FOR FOG CONTROL

- A properly sized grease removal device should be in use.
- Grease removal device maintenance should be performed at regular intervals by trained operators and verified by management.
- Used cooking oil should be collected for recycling by a licensed hauler.
- Dry clean-up methods should be used for dish pre-washing as well as equipment and floor cleaning.
- A spill control plan should be in place. Absorbent materials should be available to aid in spill clean-up.
- Food grinders should be removed or kept out of service.
- Greasy waste should not be poured down any drain.
- Mats, filters and floors should be cleaned such that all wash water drains through a grease removal device.
- Employees should be trained on FOG handling BMPs.

### (b) ENFORCEMENT

Treatment Plant personnel follow a written Enforcement Response Plan (Appendix A) when dealing with non-compliant FSEs. In case an SSO can be shown to have been caused by an FSE, depending on the severity and the underlying cause of the SSO, the Treatment Plant or City will, at a minimum send the business owner a warning letter, a Notice of Violation or an Administrative Citation (with or without monetary penalties) describing the cause of the SSO that has been attributed to the FSE, the pertinent parts of the FOG Ordinance, and required remediation methods and corrective actions to comply. An FSE must acknowledge receipt of such a document within 30 days of its postmark. If the City determines that it is more appropriate, a Show Cause Hearing may be conducted or a case may be referred to the City Attorney in lieu of the letter, NOV or citation previously described.

## V. OUTREACH AND EDUCATION

South San Francisco and San Bruno will provide outreach materials to businesses and residences such as:

- Door hangers
- Bill stuffers
- Posters
- Grease scrapers

- Fact sheets
- Stickers

Other outreach may include

- Information on the City's website
- Articles/Ads in newspapers
- Articles in community newsletters
- School outreach
- Chamber of Commerce outreach
- Ads in movie theaters
- Outreach at City Sponsored Events
- Ads on Public Television

## APPENDIXES

### A. Enforcement Response Plan for FSEs

## APPENDIX A: ENFORCEMENT RESPONSE PLAN

# City of San Bruno Enforcement Response Plan

## Food Service Establishments

### **I. Introduction**

This document establishes procedures to follow when investigating and responding to instances of Food Service Establishment (FSE) discharge permit noncompliance. It is intended to ensure that enforcement responsibilities shall be implemented in a consistent, fair, and timely manner.

Formal enforcement actions are generally taken when there has been a failure to achieve compliance within a specified time period through less formal means, a review of violation records, and/or in some cases, the advice of counsel. Formal enforcement action shall be considered for each violation or group of violations of a FSE's permit.

Personnel from the South San Francisco/San Bruno Water Quality Control Plant ("WQCP") shall be the primary staff responsible for FSE enforcement. However, the City of San Bruno has equal authority to conduct enforcement and shall be involved in all cases where enforcement rises to the level of "Notice of Violation" or higher.

### **II. Elements of Progressive Enforcement Actions**

There are four (4) levels of increasingly significant enforcement action available to the City which are intended to correct non-compliance with a FSE's discharge permit. Progressive enforcement actions may require increasingly stringent responses to correct repeated or ongoing violations of wastewater discharge permits or other local, state, or federal discharge prohibitions. The four actions include: (1) Verbal Notification (2) Advisory Letter, (3) Notice of Violation, and (4) Civil and Criminal Administrative Actions including Abatement Orders..

#### 1. Verbal Notification

Verbal notification is used for initial contact with a FSE when appropriate Best Management Practices (BMPs) are not in use, BMP information is not posted in a conspicuous location, grease removal device maintenance records are not available for review, or a facility is operating without a valid wastewater discharge permit for more than thirty (30) days. Re-inspection of a violator by City personnel shall take place within thirty (30) days of verbal notification. Failure to correct violation(s) within that timeframe will result in the issuance of an advisory letter.

#### 2. Advisory Letter

Advisory letters shall be mailed by certified mail or hand-delivered to the violator within seven (7) days of the City's receiving first notice that a violation of a waste discharge permit occurred, or within seven (7) days of a failed re-inspection, as previously described.

“Notification” occurs immediately whenever an agent for, or employee of, the City is notified that a violation of a discharge permit or other prohibition of local, state, or federal statute or regulation has occurred. The notification may be verbal, telephone, fax, electronic, letter, report, written document, or other form of communication.

Advisory letters are intended to correct violations that are more serious than those listed in section (1), such as any of the following:

- conditions observed during the course of an on-site inspection or routine surveillance which may compromise a FSE’s ability to comply with any element of its wastewater discharge permit;
- failure to properly maintain grease removal devices;
- operation without a valid wastewater discharge permit for more than 60 days; or
- any other violation or group of violations that the City deems to be detrimental to the Pollution Prevention Program.

Re-inspection of a violator by City personnel shall take place within thirty (30) days of the issuance of an advisory letter. Failure to correct violation(s) within that timeframe will result in the issuance of a notice of violation.

### 3. Notice of Violation (NOV)

When a violation or violations of a FSE’s discharge permit is/are observed or reported, and, in the opinion of trained City personnel there is a potential for harm to life, health, the environment, the collection system, or the wastewater treatment plant, a Notice of Violation shall be issued to the FSE within seven (7) days of the City receiving first notice of said violation(s). “Notification” occurs immediately whenever an agent for, or employee of, the City is notified that a violation of a discharge permit or other prohibition of local, state, or federal statute or regulation has occurred. The notification may be verbal, telephone, fax, electronic, letter, report, written document, or other form of communication.

A Notice of Violation may be issued for any of the following reasons:

- failure to respond within the required timeframe to lesser enforcement actions;
- failure to correct violations as required by lesser enforcement actions;
- failure to install a grease removal device when required to do so by the City; or
- any other violation or group of violations that the City deems to be detrimental to the Pollution Prevention Program.

A. Within forty-five (45) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user. The FSE’s written response shall describe the specific violation(s) which occurred, the cause of the violation(s), all corrective actions taken to prevent any reoccurrence of the violation(s), and the date those corrective actions were/will be taken.

B. A review of the FSE's written response shall be conducted to determine if it is adequate and appropriate. Following the issuance of a Notice of Violation, the receipt of the FSE's response, and a review of that response the City may inspect the facility if it is deemed necessary.

C. Upon receipt of a Notice of Violation, the FSE shall have fifteen days within which to file an appeal of the Notice of Violation. Appeals shall be addressed to the WQCP Superintendent or the City of San Bruno Deputy Director of Public Services, Utilities & Maintenance.

D. Failure to respond to a Notice of Violation within the specified timeframe may cause the City to initiate civil and criminal actions against the violator.

#### 4. Civil and Criminal Administration Actions

##### A. Abatement Orders

Abatement orders shall be issued when lesser enforcement actions have been exhausted, or in the judgment of the WQCP Superintendent or the City of San Bruno Deputy Director of Public Services Utilities & Maintenance there is an immediate danger to life, health, the environment, the collection system or the wastewater treatment plant. Abatement orders shall be issued by the Superintendent or Deputy Director, and shall be sent by certified mail or be hand-delivered. Upon receipt of an Abatement Order, a FSE shall have ten (10) days from the date of receipt of the Abatement Order to appeal the enforcement action. All appeals shall be submitted, in writing, to the WQCP Superintendent or Deputy Director.

##### B. Administrative Actions

When a FSE fails to comply with an Abatement Order within the specified timeframe, civil and criminal penalties may be imposed upon the violator.

##### i. Civil and Criminal Penalties

Any user who willfully or negligently fails to comply with any regulation or condition of a discharge permit or permit issued hereunder, shall be subject to both civil and criminal liability. All enforcement and penalty provisions identified in the City of San Bruno Municipal Code are in addition to and do not supersede or limit any other civil or criminal remedies. Potential civil and criminal liability shall be as follows:

*Civil Liability:* Potential civil liability shall include, but not be limited to, declaration of the violation as a public nuisance and strict liability for the sum of ten thousand dollars (\$10,000) for each day or portion thereof, as set forth in San Bruno Municipal Code Section 10.12.390, and abatement proceedings, including the collection of abatement costs, as set forth in San Bruno Municipal Code Sections 10.12.360, 10.12.390, 10.12.410 and 10.12.420. In addition, a

user may be liable up to twenty-five thousand dollars (\$25,000) a day for each violation, as set forth in California Government Code Section 54740, San Bruno Municipal Code § 10.12.390.

In lieu of the civil penalties set forth in California Government Code Section 54740, the City may impose administrative penalties in the following amounts, as set forth in California Government Code Section 54740.5: (1) up to three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the City; (2) up to five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the City; (3) up to ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the City. Furthermore, the amount of such civil administrative penalties that have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. California Government Code § 54740.5(d)(5).

*Criminal Liability:* Criminal liability shall include, but not be limited to, misdemeanor prosecution under San Bruno Municipal Code Section 10.12.370. A person shall be guilty of a separate and distinct offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person, and the user shall be punishable accordingly.

*Injunction* - Whenever a discharge of wastewater is in violation of the provisions of this plan or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, an injunction may be sought to restrain the continuance of such discharge. The City may petition the Superior Court for the issuance of a temporary or permanent injunction, or both, as the case may be, restraining the continuance of such discharge. The city may also seek an injunction against nondischarge violation of pretreatment standards or requirements. San Bruno Municipal Code § 10.12.400

### **III. Administrative Citations**

The City reserves the right to issue Administrative Citations in accordance with the City's Municipal Code, 5.08.040. Every violation determined to be an infraction is punishable by: (1) a fine not exceeding one hundred dollars for a first violation; (2) a fine not exceeding two hundred dollars for a second violation of the same ordinance; and (3) a fine not to exceed five hundred dollars for each additional violation of the same ordinance within one year. Every violation determined to be a misdemeanor is punishable by a fine not exceeding \$1,000 per day. Administrative citations may be issued at any level of enforcement, though generally fines are issued only in conjunction with notices of violation or administrative actions



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

**DATE:** February 28, 2012

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

**FROM:** Marc L. Zafferano, City Attorney  
Aaron Aknin, Community Development Director

**SUBJECT:** Receive Report and Provide Direction to Staff Regarding the Potential Closure of Memory Lane

### **BACKGROUND:**

Memory Lane is a pedestrian/bicycle-only way that runs roughly perpendicular to El Camino Real from Elm to Poplar (Block #1), from Poplar to Linden (Block #2), and then across the Grace Honda lot to El Camino (Block #3). It is approximately 10' wide and has been paved with asphalt. Bollards prevent cars from using the Lane. Crosswalks connect the Segments across the residential streets.

In 1939, the developer who subdivided the lots that abut the three Segments of Memory Lane offered it to the City for dedication. The offer was for "public use as pedestrian walks and to serve as rights-of-way for sewers, water mains, gas mains, and such public utilities as may be placed underground..."

In 1940, the City accepted the dedication for all three Segments.

In 1950, the City adopted a resolution to abandon the southerly 3'6" of Block #3, subject to an easement for pedestrian access.

Between 1967 and 1982, the City and the prior owners of the Grace Honda property entered into several agreements regarding Block #3. These agreements specified that pedestrians would at all times have the right-of-way, and that the owners of the property would defend and indemnify the City for any accidents that might occur as a result of the car dealers driving cars across the Lane. Grace Honda owns two non-adjointing parcels, and the business uses the Lane to move cars from one parcel to the other.

In 2003, the City approved a modification to Grace Honda's Conditional Use Permit; all prior conditions that insured pedestrian access on Block #3 remained intact.

As an east-west way, Memory Lane provides access to the downtown, as well as to and from Parkside School. Block #3 is located within the "Pedestrian Emphasis Zone" in the General Plan. General Plan Implementation Policy T-70 states: "Prioritize improvements to sidewalks and other walking paths adjacent to public school facilities where children and youth are likely to use them on a daily basis." The Draft Transit Corridors Plan includes the following Design Guideline: "Improve design of Memory Lane between El Camino Real and Linden Avenue.

*10.a.*

Consider the use of a combination of special paving treatment and patterns, historical lamp posts, landscaping, signage, or street furnishings where appropriate to emphasize the pedestrian and bicycle connection."

Last year, fourteen residents whose homes abut the Lane contacted staff through their attorney to express their concerns that users of the Lane, especially youth, were engaging in criminal and nuisance activities, such as vandalism, graffiti, and use of drugs and alcohol. The owner of Grace Honda also retained counsel to voice complaints that the cars on the lot were subject to damage as students from Parkside Intermediate School strayed from the Lane and cut through the property.

The fourteen residents and the owner of Grace Honda have asked the City to permanently close Memory Lane so that it would no longer be accessible to the public.

#### **DISCUSSION:**

Last October, the Mayor convened a Subcommittee consisting of himself and Councilmember Salazar to meet with these individuals to hear their concerns. After an initial meeting, staff met again on several occasions to discuss the issues and to develop alternatives for the City Council Subcommittee's consideration. The Subcommittee then met again with the concerned residents last December and discussed the alternatives, including a temporary closure of the Lane. The Subcommittee directed staff to develop a survey that was mailed to over 390 residents of the neighborhoods near all three Blocks of Memory Lane to gather input from the community. The Subcommittee also identified its intent to consider a trial closure of the Lane to address the adjacent residents' concerns.

The matter is on tonight's agenda for the full City Council to review the information and comments presented by staff and the residents, to hear from the Subcommittee, to discuss the alternatives presented, and to provide direction to staff.

Staff has analyzed the use of the Lane by Parkside Intermediate School students, the residents' calls for service to the City, the results of the survey sent to residents in adjoining neighborhoods, and alternatives to address the issues raised by the residents and Grace Honda. The following sections of this report provide information on these topics.

#### Use of Memory Lane by Parkside Intermediate School Students

In September of last year, staff conducted three unannounced site visits of approximately one hour each during the afternoon hours while school was letting out. Staff observed a maximum of 60 students using all three Blocks of the Lane for a total trip time of about twelve minutes. The students were well behaved. Staff interviewed some of the students, as well as adults who were using the Lane. All adults interviewed expressed support for keeping the Lane open as it provides access to the downtown businesses and the school, stating that they would drive their cars otherwise. Some said it would be a hardship for the kids to walk the long way around the block.

At one of the Subcommittee meetings, the Principal of Parkside Intermediate School expressed support for closing the Lane permanently, citing ongoing difficulties in policing the conduct of students using the Lane.

### Calls for Service to the City

From 2006-2011, the fourteen residents who expressed concerns to the City and whose homes are directly adjacent to the three Blocks of the Lane called the police department 115 times. Seventy-one of those calls involved police matters that were unrelated to conduct occurring on the Lane.

The remaining 44 calls were related to activities occurring on the Lane. Five households generated all of these calls, distributed by year as follows:

2006: 6 calls  
2007: 11 calls  
2008: 9 calls  
2009: 5 calls  
2010: 9 calls  
2011: 4 calls

These five households reported the following conduct occurring on the Lane between 2006 and 2011:

Graffiti: 29 calls  
Vandalism: 9 calls  
Loitering: 3 calls  
Abandoned bikes: 3 calls

There is data available for 15 of these calls reflecting the time of day that the calls came in, recognizing that this may or may not correlate to when the actual incidents occurred. Three calls came in between 10:31 a.m. and 11:43 a.m. Twelve calls came in between 1:30 p.m. and 6:45 p.m., evenly distributed by hour.

### Survey Results

On January 30, 2012, staff mailed surveys (Attachment 1) to 390 households in the neighborhoods adjacent to all three Blocks of the Lane. As of the February 22 deadline, 134 residents returned the survey. The results are summarized in detail in Attachment 2. Note that not all respondents replied to all questions. A brief summary is included below:

- Approximately 100 respondents regularly use one or more Blocks of the Lane.
- The most common reasons that respondents use the Lane are to access shopping (downtown and Walgreens), restaurants, family/friends in the neighborhood, church, the bus stop, and for exercise/dog walking.
- Approximately **68-70%** of respondents **do not favor closing** one or more Blocks.
- Approximately **9-11%** of respondents **“probably” do not favor closing** one or more Blocks.
- Approximately **12-16%** of respondents **“probably” favor closing** one or more Blocks.
- Approximately **5-8%** of respondents **“definitely” favor closing** one or more Blocks.

### Alternatives to Consider

Over the course of the past several months, staff developed a range of alternatives for consideration by the City Council Subcommittee and the residents who expressed their concerns.

- *Improvements to the Lane, such as installation of surveillance cameras, signage, fencing, repaving, and vegetation.*
- *Enhanced monitoring of the Lane, especially during peak hours, by the police department, crossing guards, or a community-based group.*

These measures could deter the types of activities that have generated the most complaints and make the Lane safer and more attractive for all users, as well as increasing the buffer between the private residences and public users of the Lane.

- *Improvements to the streets around the Lane to enhance safety for pedestrians, such as signage and additional red curb to improve sight distance for motorists.*

This measure could address concerns that students run out into the street and are at risk of being hit by oncoming traffic.

- *Closure of the Lane between dusk and dawn, accomplished by signage and police enforcement.*

This measure has been adopted by other cities with similar pedestrian ways, although the available data for the Lane do not indicate any incidents before 10:30 a.m. or after 6:45 p.m.

- *Temporary complete closure of the Lane, accomplished by a physical barrier across one or more of the Blocks, for some predetermined trial period.*

This measure received preliminary support from the Subcommittee and the residents who expressed their concerns.

- *Permanent closure of the Lane, accomplished by a physical barrier across one or more Blocks.*

This measure has been the preferred alternative for the residents who have expressed concerns about the Lane and for the principal of Parkside Intermediate School.

### **FISCAL IMPACT:**

There is insufficient information at this juncture to estimate the fiscal impact of the alternatives.

### **RECOMMENDATION:**

Staff recommends that the City Council receive the staff report, obtain comments from the public, and provide direction to staff.

**ALTERNATIVES:**

1. Direct staff to further explore one or more of the listed alternatives, or other alternatives that may be identified during the City Council discussion;
2. Schedule additional review and discussion at a subsequent meeting;
3. Take no action and request that staff discontinue consideration of the closure of the Lane.

**ATTACHMENTS:**

1. Memory Lane Survey Form
2. Summary of Survey Responses

**DISTRIBUTION:**

1. George Corey, Esq.
2. Homa Yamin, Grace Honda
3. Angela Addiego, Principal, Parkside Intermediate School

**REVIEWED BY:**

\_\_\_\_\_ DH

\_\_\_\_\_ CM



**Corrected Copy:** A previous copy of this survey was sent, incorrectly labeling the streets. The map below has been corrected. We apologize for the confusion.

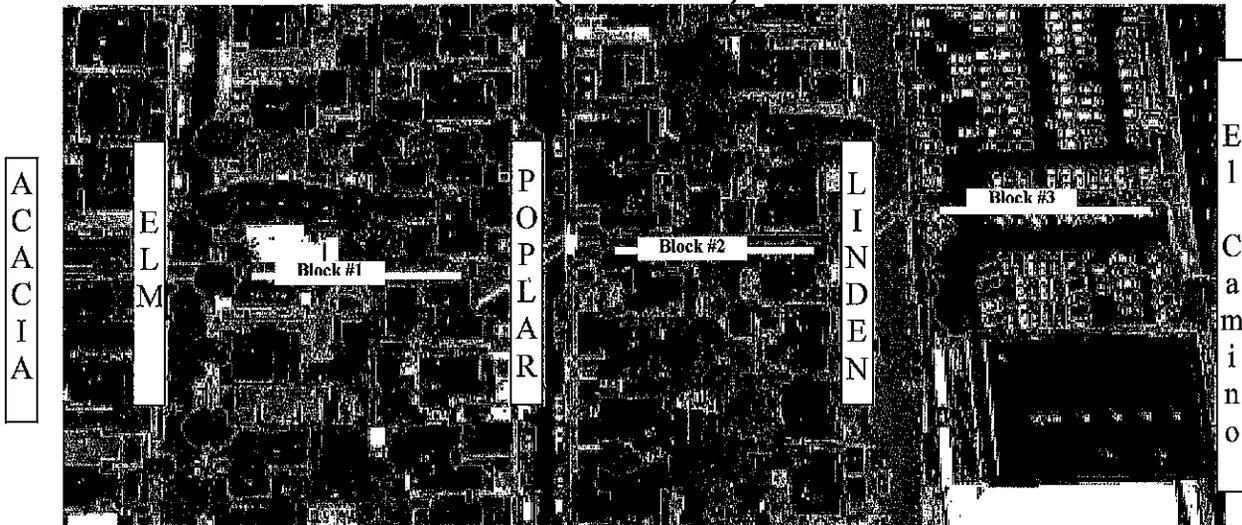
CITY OF SAN BRUNO

## Memory Lane Survey

The City of San Bruno is requesting your input regarding a potential change to Memory Lane. Memory Lane is the name of the pedestrian walkway situated halfway between Jenevein Avenue and Crystal Springs Road. On the map below, the section of Memory Lane between Elm and Poplar is shown as Block #1, the section from Poplar to Linden is shown as Block #2, and the section from Linden to El Camino Real is shown as Block #3.

To learn more about the use of Memory Lane, the San Bruno City Council is conducting a survey of residents in the area. We would appreciate your assistance, as one who lives near Memory Lane, by completing the survey by February 22, 2012 and returning it to City Hall in the enclosed stamped envelope. If you would prefer to talk to a City staff person, you can contact Laura Russell of the Planning Division at (650) 616-7038 or [lrussell@sanbruno.ca.gov](mailto:lrussell@sanbruno.ca.gov).

(To Jenevein)



(To Crystal Springs Road)

We appreciate your feedback. The results of the survey will be presented to the City Council at their February 28<sup>th</sup> meeting. In addition, there will be an opportunity for the public to address the City Council before a decision is reached on the future of Memory Lane. The meeting will be held at the San Bruno Senior Center, 1555 Crystal Springs Road, and will begin at 7:00pm.

Thank you.

Name \_\_\_\_\_ Address \_\_\_\_\_  
(Optional) (House number optional, please provide your street name.)

Phone \_\_\_\_\_ Email \_\_\_\_\_  
(Optional) (Optional)

May we contact you directly if we have questions? (Please Circle) Yes No

How many people live in your household? \_\_\_\_\_  
How many of those people are children ages 5-17? \_\_\_\_\_

Do any members of your household use Memory Lane? (Please Circle) Yes No

If members of your household do use Memory Lane:  
How many times per month on average? \_\_\_\_\_

Looking at the map on the previous page, which section(s) do you use? (circle choices)  
Block #1: Yes No Block #2: Yes No Block #3: Yes No

When you use Memory Lane, where are you going? (For example, church, school, shopping, work or another location.) \_\_\_\_\_

Some residents have requested that the City close one or more sections of Memory Lane so that residents would not have access to the walkway. To answer the next three questions, please look at the map on the previous page and circle your answer.

Would you support closing Block #1?	Definitely	Probably	Probably Not	No
Would you support closing Block #2?	Definitely	Probably	Probably Not	No
Would you support closing Block #3?	Definitely	Probably	Probably Not	No

Are you aware of any problems or issues associated with the public use of Memory Lane? If so, please describe: \_\_\_\_\_  
\_\_\_\_\_

Please include other information you would like the City Council to consider before making a decision whether or not to close Memory Lane. \_\_\_\_\_  
\_\_\_\_\_

Thank you for your participation.  
Please return this survey by February 22<sup>nd</sup> in the enclosed envelope.

## Memory Lane Survey Results

The survey was mailed to 390 households. Of those, 134 Surveys were returned, for a 34% response rate. Not all respondents answered all questions.

Residents were asked if any members of their household use Memory Lane. One hundred eight (108) households reported that they use Memory Lane, which is 81% of respondents.

Residents that use Memory Lane were asked how frequently they use it per month, on average.

- 58 households use it 1-9 times per month
- 19 households use it 10-19 times per month
- 28 households use it 20 or more times per month

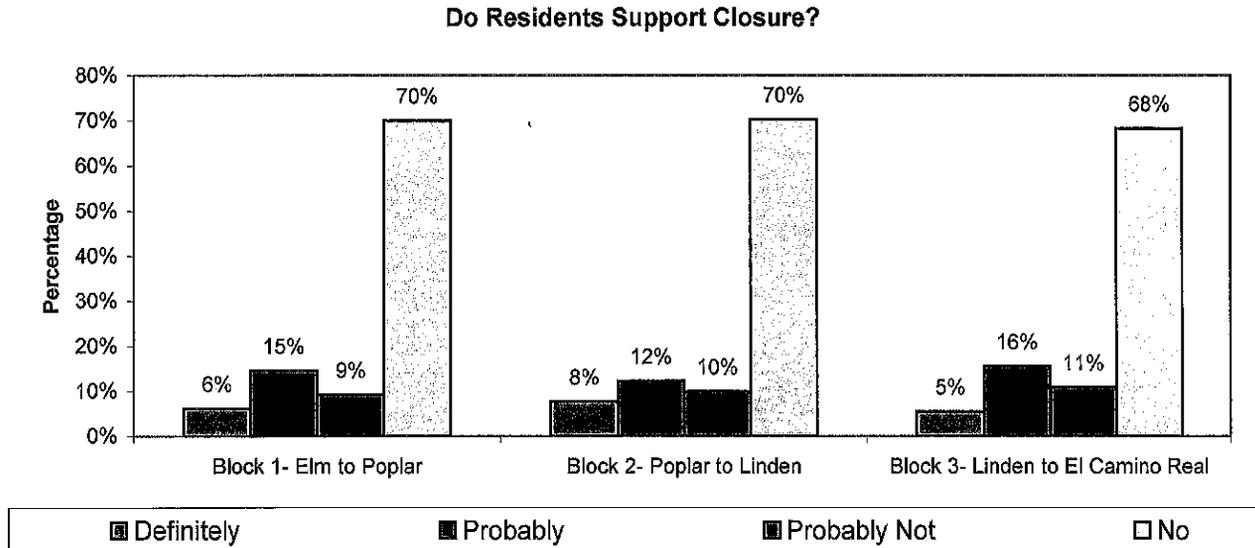
Residents that use Memory Lane reported a fairly consistent use of the three blocks, with the following usage:

- Block #1: 98 residents reported that they use this block
- Block #2: 107 residents reported that they use this block
- Block #3: 97 residents reported that they use this block

Residents were asked where they are going when they use Memory Lane. Many respondents listed several different destinations. The most common responses are detailed below.

Destinations	Number of Responses
Shopping	54
Exercise/Walk dog	42
Restaurants/Specific restaurants	18
Walgreens	17
Visit Family/Friends	14
Bus Stop/Caltrain	13
Downtown/San Mateo Avenue/ Specific destinations downtown	11
Church	10
El Camino Real	6
Other	5
Work	4
Grace Honda	4
Library/City Hall	4

Residents were asked whether they would support closing each block of Memory Lane. They were given four options for their responses. All three blocks have similar results, with 79-80% of respondents saying that they would not or probably not support closure.



### **Summary of responses and comments by residents who definitely or probably support closure of Memory Lane**

Residents identified the following problems or issues with Memory Lane:

- 7 people reported no issues
- 6 reported seeing graffiti
- 3 people noted students/kids making noise
- 3 have seen garbage
- 2 reported seeing vandalism
- 2 people noted that residents do not always clean up after their dogs
- 1 reported loitering

Residents made the following comments about these issues:

- Yes, vandalism, inappropriate behaviors (i.e. drinking, sexual activity), fights.
- I've personally witnessed many incidents of vandalism, graffiti, private property destruction, public urination, trash dumping, sexual acts, items thrown into my yard and at my house (eggs) loud late night noise and fist fights.
- I know there was a robbery once. I think it was block 2.
- When walking on it there have been groups of teens loitering. It was very uncomfortable as they were all male and one never knows that they are planning.
- Children running into street when leaving from school. Cars going to fast at certain times of day.
- Kids walking home from Parkside have gotten into fights, have put graffiti on adjacent homes and have been confrontational when told to stop. I have occasionally observed broken glass/bottles in the alley.

Residents also made the following general comments:

- Two residents suggested asking Parkside students about issues with the Lane.
- It is a useful and time saving shortcut.
- Why don't you close the access to 280 from Crystal Springs Rd. people drive to fast through this neighborhood & don't ever slow or stop for pedestrians. May be you should do a survey on that!
- These blocks are very long -having to go all the way around would not be good. Also, your map is in correctly labeled. You list Elm Ave, but really that is Poplar Ave.
- Patrol the lane @ night SBPD - since the light downs on weekend [illegible]
- There is a large water main from Elm to El Camino on Memory Lane.
- We have been using memory lane for the part 18 years and are very considerate of the adjoining residents.
- Memory Lane has outlived its usefulness. It is a public nuisance and a safe harbor for criminal activity. Divide and conquer by moving people out into the open onto Crystal Springs & Jenevein. People are much less likely to misbehave if they are out in the open and not sheltered by an alley. Thank you!
- Input from home owners next to Memory Lane.
- I would not like it to be a thorough [illegible] from El Camino because I worry about non-residents coming thru.
- It's a shame that a charming lane that is rare to any city could be closed but it's understandable just by my past experiences on it.
- Although I do not live adjacent to Memory Lane, I can understand why people who do would feel unsafe with a secluded path next to their houses. If my house were there, I would want the lane to be closed.
- It would be nice to have more information as to the reasons behind potentially closing down memory lane.
- We would be concerned regarding what is done with the alley if it is closed, and would not favor a solution where some ugly type off chain-link-fence is installed - this would create an even more secluded setting that would lend itself to unsavory activities.
- Going around blocks 1 and 2 would not really inconvenience us and would help prevent damage to those who own property. We don't really see the need to close block 3 since it goes through the car dealership.
- What is the purpose of closing? Is it worth the money to close? If nothing is wrong, why change it?

Two residents submitted letters supporting the closure of Memory Lane.

## **Summary of responses and comments by residents who *do not* or probably *do not* support closure of Memory Lane**

### Residents identified the following problems or issues with Memory Lane:

- 43 reported no issues
- 11 reported seeing graffiti
- 10 reported garbage/litter
- 4 reported that people do not clean up after their dogs
- 2 reported vandalism
- 2 reported noise from students/kids

### Residents made the following comments about these issues:

- Encountered off-leash dog in block #1.
- Yes. Teenagers are fighting.
- Other than people parking across the crosswalk and blocking the ramp, no. No problem.
- My dog has eaten food and garbage off the ground that people just leave. I've seen some eggs on the ground, so I am assuming someone egged a house or something.
- No, except I've seen graffiti on the fences. Also sinkhole areas in the past which have taken the city long times to repair despite multiple requests by me & others.
- No Problems. I live at the entrance to Block #1 on Elm. My family has lived there for over 50 years.
- Many years ago there was some graffiti in one place, but that was a long time ago (I Haven't noticed lately), and, I do not even live on Memory Lane & I also have had graffiti on my fence, but I doubt you would close Clark Ave due to that.

### Residents also made the following general comments, which are grouped according to theme.

#### Use by Students & Teenagers

- The kids make a bit of noise as they walk home. But it only lasts a few minutes. It's no different than it's been for 50 years.
- If there is a problem (probably with Parkside students), why isn't the problem brought to the school's attention first?
- The only issue that maybe of topic would be kids that leave Parkside around 3 pm. Install cameras or motion lights for evening. Kids have been walking across my lawn for 40 years.
- It's a short-cut for school kids going to and from Parkside or anyone going to San Mateo Ave & El Camino.
- Kids from Parkside school use the lane M-F after school.
- Memory lane has been here since the days of Uncle Tom's cabin- so have teenagers. Teenagers have probably used it to go to school for many years. Why is this now a problem? I'm not certain, but it is likely a transient and not long-term problem. I don't see a reason to close this lane when there are so many other options. Have a police car circle the blocks from 3:00-3:15. If you shut down the lane prepare for the problem to simply move elsewhere- like Grundy or City Park.

#### Use by Seniors & Disabled Residents

- I have lived here about twenty years & there have always seen (very) Elderly people (I think many of them) taking the "short cut" through Memory Lane to get to Walgreens (formerly Lucky's) for groceries. I still know some who rely on that because they cannot walk as far as they used to. Thank you, and I hope you keep memory lane open, as it is a public access.

- It's a safer way to go with strollers, it's more direct, less noisy. No buses or speeding cars. It is great for seniors in our area too, who only walk.
- This walkway is a shortcut for many people including the old/elderly and disabled and has been around long since any of the present residents. When the present residents moved in they know the alley was there already. They need to adapt. My wife has been using the alley since 1963 and thinks that it's unfair to close it because a few people don't like it even though its good for many. We oppose it adamantly!!! Thank you.
- Friends use Memory Lane to walk to my house. Very useful for senior citizens and children. As a homeowner, I believe it is good for us.
- Having elderly people at home make the use of memory lane very useful.
- It's a short cut for me & my legs are not as good as they were. Keep it open please.
- Memory lane allows senior & kids to easily get to El Camino and San Mateo Ave w/out walking the hills and also provides a short cut to San Bruno downtown (center part where the grocery markets are)
- We are seniors and it's nice to have a few shortcuts, especially when carrying items from Walgreens, Roma Deli, etc. Have lived here for 54 yrs and have used the alley all my life. Would hate to see it close.
- This area, if not already, will have many elder residents that will need this access to walk to lower San Bruno to San Mateo Ave or bus stop. San Bruno has pride itself on senior citizen accommodations throughout city and to close this "mid-block" access will only divert to longer walks that seniors may find challenging. Plus, closing walkway will only put Parkside kids in harm by having them now walk on Jenevein or Crystal Springs busy traffic.
- Use for taking a walk. Handicapped and elderly. Use it frequently. It is a safe environment to use. Adds character to the community.

### Other Uses of Memory Lane

- Seven residents noted that it is a good short cut for people who walk. They use it to get to library, farmers market, hair salon, and El Camino Real.
- Don't close it. We live on Hazel by Clark so it's useful.
- It is a thoroughfare and continuation of the grid where it was broken by continuous buildings on Elm, Linden, Acacia, etc.
- We have lived in San Bruno for more than 25 years and have used Memory Lane to get to downtown San Bruno. Memory lane saves walking four blocks out. It's the way to spend money in San Bruno. Closing Memory lane will cause us to drive to Millbrae or Burlingame to spend that same money.
- It has been used by San Brunans for over 50 years, why close it now? Plus more people are walking for different reasons. Such as: health issues, financial (no car), greening (less pollution) and for a pleasant S.B. walk. Mainly, the shortcut is very handy and useful.
- Great short cut. I have lived here 30+ years, see no problems.
- I didn't know this had a name, but I've found Memory Lane convenient for years. I'm in front of my house a lot and see lots of people using the stretches between #1 & #2. I assume folks use #3 a lot too if they are going to El Camino. Please do not close any portion. Thank You.
- It is a public area and need to open to public.
- We love being able to walk on Memory Lane and do not understand why the city wants to close it. We are not aware of any problems that other residents might be having with public use of, and access to, memory lane.
- We have memory lane as part of our Emergency Evacuation Route from our house.
- Please do not limit access in this area. It's been open since I was a small boy walking this with my Grandmother. It's part of San Bruno & shouldn't be closed. Thank You.
- Jenevein to Crystal Springs is a very long block. It's very nice to have a walkway, since its not a street. Please don't close Memory Lane.
- Me and my family have used Memory Lane all our lives and would be negatively impacted by any closing of this public path.
- This pathway offers the public direct access from homes in the area to El Camino and businesses and the downtown. If this access is closed instead of walking I will likely use my car

increasing impacts to the environment. My wife and I often use this path to exercise. I would not like to see it closed.

- Children from St. Roberts and Parkside regularly use Memory Lane to walk to and from home. Our family uses Memory Lane to walk regularly to the south side of San Mateo Avenue.
- Convenient to downtown we really like using these walkways.
- Well it's really hard to tell. I would think seeing how you work for the city you would at least know what the names of the streets are. You are going to push kids for school to walk on Jenevein or Crystal Springs. Two very busy streets. Linden, Poplar, Elm. Next time get the map right.
- This has been a much used right of way since the beginning of our City.
- What's the problem? I ride my bicycle thru @ night - no problem - wife alone - no problem.
- Closing Memory Lane will make it more difficult to walk to the library, to downtown SB & to the Bus stop. Memory Lane is relatively flat and allows pedestrians to avoid steep streets. For mothers like me who are pushing strollers, this makes a big difference. P.S. We just bought our home in Jan 2011 and walkability of our neighborhood was extremely important on our decision to buy in our neighborhood.
- Have lived in our home since 1972 & have always used the lane. I see a lot of people using the lane.
- It impacts residents who use Memory Lane therefore their input is significant.
- Leave open for walkers, bicycle riders. Do not close, do not force people to drive.
- Do NOT close it...we have a right of easement...we use that right.

### Character of Memory Lane

- It is convenient and kind of quaint.
- San Bruno history. Do not disturb
- It is a convenient way to get from one place to another. It also adds to the charm of the neighborhood.
- It is a nostalgic piece of San Bruno just like the heart section of lower San Bruno
- Access to downtown is important: The block /access/ from Jenevein - Crystal Springs without the lane is too long and part of San Bruno history!
- It's a part of our history, it is convenient for those who live mid block to Clark to get to downtown. What will happen to the area of memory lane if made restricted? Citizens have been using these blocks as a gateway and rather than closing them completely maybe enforcing time limitations. City growth is inevitable, but why make the space inaccessible to the public when it is a public walkway?

### Interest in Other Perspectives

- If there was a good reason I would support closure, but we use them and would miss them
- While I do not support this personally, I don't live off or right nearby Memory Lane. So I don't know the problems. I support my neighbors and if their safety is at risk, I support these changes.
- Used to use blocks 1-2 when walking dog. Prefer they remain open, but immediate neighbors should be given consideration.
- I have lived 3 down from memory (illegible) since 1949. Don't recall any problems more than once in awhile. Houses adjacent may have a different perspective
- I have used it for many years and not experienced any issues myself. If people with houses directly on the lane are having problems, then those issues should be considered.

### Additional Information Requested

- Two residents would like to know more about the issues involved with the request to close Memory Lane.
- Are you saying they are going to make a decision? Without Public involvement?

### Comments about Alternatives

- Two residents asked what would happen if the Lane were closed. How would closure be enforced?

- Five residents suggested improvements to the Lane, including bicycle patrol of the area, neighborhood watch, solar lights or motion lights, cameras, and additional graffiti abatement.
- One resident requested that the City stop wasting money on unnecessary mailings such as this.
- Five residents were concerned about what would happen if the Lane were closed. They suggested it would cause more problems, including garbage, late night use of the area, crime, drinking, drug use, or people living in the closed off area.

Two residents submitted letters opposing the closure of Memory Lane.  
One resident sent an email opposing the closure of Memory Lane.



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** February 28, 2012  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Kim Juran, Finance Director  
**SUBJECT:** Adopt Resolution Approving Property Owner Notice and Protest Process for 2012-13 Garbage Rate Increase Proposed by Recology San Bruno

**BACKGROUND**

The existing franchise agreement with Recology San Bruno became effective on July 1, 1998. In accordance with the agreement, Recology is entitled to rate adjustments based on a detailed rate analysis every three years and interim rate year adjustments for other years. On November 28, 2006, the City Council approved Recology San Bruno's request to exercise two of three five-year options and extended the term of the existing Franchise Agreement for ten years through 2019. The franchise extension allowed Recology San Bruno to amortize the additional investment necessary to implement the single stream recycling service.

On January 26, 2012 Recology San Bruno requested an Interim Rate Year adjustment in accordance with their franchise agreement with the City. Recology has requested a change in rate limited to 80% of the CPI change for wage earners in the San Francisco area and the percentage increase for the pass-through disposal fee increases. The net result of these two adjustments is 2.341%.

In addition, on February 9, 2012 Recology San Bruno provided a supplemental proposal to initiate a new Organics Program in San Bruno. To implement an Organics Program citywide, the current schedule of bi-weekly pickup of green waste totes would change to weekly service. To accommodate this service increase, Recology would need to purchase three additional collection vehicles and add three new drivers, as well as incur additional cost increases related to the disposal of the organics waste. These cost increases result in an effective 9.37% increase in garbage rates, which are in addition to the proposed interim rate adjustment. This would result in an 11.71% increase in garbage rates for the 2012-13 rate year. This type of program has been successfully implemented in several other communities in San Mateo County and offers a beneficial way to reduce solid waste disposed at the landfill.

10.6

Staff is recommending that the City use a rate adjustment process for the 2012-13 rate that is comparable to the notice and protest provisions of Proposition 218. Proposition 218 was approved by the voters in 1996. The proposition establishes legal requirements for imposing or increasing property-related taxes, assessments, fees, and charges. The applicability of Proposition 218 to garbage rate adjustments has yet to be legally established. In abundance of legal caution and to assure broad-based information to property owners on the proposed rates, the same process can be followed for the upcoming rate adjustment for Recology San Bruno's rates.

**DISCUSSION**

In accordance with the Franchise Agreement, Recology San Bruno has requested an interim rate year adjustment of 2.341% consisting of a CPI change and an increase for the pass-through disposal fee increases. Based on the proposed rate adjustment, a 32-gallon residential toter will increase by \$0.56, from \$23.78 to \$24.34. Examples of the proposed rate change for other services include:

	<b>Existing Rate</b>	<b>Proposed Rate</b>
<b>Residential</b>		
64-gallon toter	\$47.56	\$48.68
96-gallon toter	\$71.34	\$73.02
<b>Commercial</b>		
64-gallon toter, 1 per wk	\$60.46	\$61.88
1-yard container, 1 per wk	\$126.88	\$129.85

This increase would be effective for bills produced after July 1, 2012.

Staff and a City Council subcommittee (Ruane and Salazar) will meet with Recology San Bruno prior to the City Council meeting on February 28 and will provide a recommendation on the proposed rate increase at that time. Following City Council review of the proposed rate increase staff recommends that the City Council authorize the mailing of notice and schedule of public hearing for formal proposal of rate increase.

Solid waste collection and disposal rates vary among San Mateo County cities based on several factors. Costs for service can depend upon the frequency of recycling collection, organics composting, ratio of residential and commercial customers, and unique operational constraints in some jurisdictions. The following is a listing of current monthly rates in eleven nearby locales for a residential 32-gallon toter:

Atherton	\$55.00	Pacifica	\$35.95
Belmont	28.03	<b>San Bruno</b>	<b>24.34</b>
Burlingame	19.08	San Carlos	28.84
Foster City	18.92	San Mateo	19.19
Hillsborough	27.50	South SF	25.52
Millbrae	27.00		

The notice and protest procedures consistent with Proposition 218 are fairly straightforward and generally provides for notice to be provided to property owners 45

days in advance of a public hearing following which the City Council can act to approve the rate increases. Only if written protests are received from a majority of property owners would the proposed rate increase be disallowed. The following schedule outlines a proposed approach to the City's implementation of the proposed process for the consideration of the proposed rate adjustment.

February 28:	City Council directs staff to include 45-day notice to property owners
March 9:	Notices mailed / start 45-day period
April 24:	City Council holds public hearing, considers any protests, takes action to introduce new rate ordinances for first reading, end of 45-day protest period
May 8:	City Council conducts second reading and takes action to adopt new rates by ordinance
July 1:	New 2012-13 rate increases become effective

Alternatively, the City Council may wish to consider deferring the mailed notice process for two weeks and coordinate mailing of the notice with the similar process to be undertaken for consideration of the City's proposed water and wastewater utility rates which will be presented for City Council review at the March 13, 2012 meeting. The action proposed for consideration at this time is review of the proposed rates and the property owner notice and protest process. No action on the proposed rate increase itself will occur until May when a public hearing on the proposed rates will be scheduled.

### **FISCAL IMPACT**

The amount and explanation of the proposed rate adjustment is detailed in the Discussion section of this report. The proposed rate increase does not have a direct effect on City operations.

### **ALTERNATIVES**

1. Recology San Bruno is entitled to an interim rate year adjustment in 2012-13. The City Council may direct that the proposed adjustment be amended using other factors in its determination.
2. Do not proceed with the process to adopt new rates at this time.

### **RECOMMENDATION**

Adopt Resolution Approving Property Owner Notice and Protest Process for 2012-13 Garbage Rate Increase Proposed by Recology San Bruno

### **ATTACHMENTS**

None

### **DATE PREPARED**

February 23, 2012

REVIEWED BY

\_\_\_\_\_ CM

**RESOLUTION NO. 2012\_\_\_\_\_**

**RESOLUTION APPROVING PROPERTY OWNER NOTICE AND PROTEST  
PROCESS FOR 2012-13 GARBAGE RATE INCREASE PROPOSED  
BY RECOLOGY SAN BRUNO**

WHEREAS, the existing Franchise Agreement for Integrated Waste management Services with Recology San Bruno became effective on July 1, 1998, and

WHEREAS, Recology San Bruno has requested an Interim Rate Year adjustment, and

WHEREAS, the company has requested a change in rate limited to 80% of the CPI change for wage earners in the San Francisco area and the pass-through of solid waste disposal fee increases which calculates to 2.341%, and

WHEREAS, in the abundance of legal caution and to assure broad-based information to property owners on the proposed rates, a notice of the rate increase will be distributed to all property owners, and

WHEREAS, the public hearing will be scheduled following circulation of the notice to property owners for a period of not less than 45 days on the garbage rate increase requested by Recology San Bruno in their letter dated January 26, 2012 as part of the notice and protest process.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of San Bruno approves the property owner notice and protest process for 2012-13 garbage rate Increase proposed by Recology San Bruno.

I hereby certify that foregoing Resolution No. 2012-\_\_ was introduced and adopted by the San Bruno City Council at a regular meeting on February 28, 2012 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
City Clerk



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** February 28, 2012

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

**FROM:** Kim Juran, Finance Director

**SUBJECT:** Adopt Resolutions as Successor Agency to the San Bruno Redevelopment Agency Approving the Draft First and Second Recognized Obligation Payment Schedules for the Period of March 1 – June 30, 2012 and July 1 - December 31, 2012 and Affirming the Appointment of Members to the Oversight Board for the former San Bruno Redevelopment Agency

**BACKGROUND**

On February 1, 2012 the San Bruno Redevelopment Agency was dissolved under ABx1 26 as affirmed by the California Supreme Court in December 2011. As of this date, all assets, properties, contracts, leases, and records of the former Redevelopment Agency are transferred to the City, serving as the Successor Agency to the San Bruno Redevelopment Agency. In order for the City/Successor Agency to continue paying the payment obligations of the former Redevelopment Agency, it must prepare a Recognized Obligation Payment Schedule (ROPS) on a semi-annual basis setting forth the Successor Agency's payment obligations. The ROPS will replace the previously adopted Amended Enforceable Obligation Payment Schedule (approved January 24, 2012) once it is certified by the San Mateo County Auditor-Controller and approved by the Oversight Board.

The Oversight Board will consist of seven members as follows:

- two appointed by the Mayor (one of whom is a former RDA employee)
- two appointed by the County Board of Supervisors
- one appointed by the County Superintendent of Education
- one appointed by the Chancellor of Community Colleges
- one appointed by the largest special district taxing entity (Peninsula Health Care District)

The City must determine its two appointments by March 1, 2012, and the Oversight Board formation will be completed by May 1, 2012.

*10c.*

## DISCUSSION

Two drafts of the Recognized Obligation Payment Schedule are being presented for review and approval; the first is for the timeframe of March 1 through June 30, 2012 and the second is for the six-month period of July 1, 2012 through December 31, 2012. The two ROPS list all of the agencies "enforceable obligations" for the timeframes noted above. Upon approval by the Successor Agency, the City will submit the ROPS to the San Mateo County Auditor-Controller for review and certification of their accuracy. Once the County has certified the ROPS, it is submitted to the Oversight Board for review and approval. There is currently some uncertainty as to when the ROPS will receive approval by the Oversight Board as ABx1 26 establishes April 15, 2012 as the deadline for this action; however, the deadline for the formation of the Oversight Board is not until May 1, 2012, making the final approval date unclear.

Given the potential for modifications to be made to the ROPS in order to secure the necessary certifications and approvals, it is recommended that the City Manager be authorized to take any action that may be required in order to obtain Oversight Board approval of the certified ROPS. This includes making amendments to the certified ROPS as required by the County Auditor-Controller or the Oversight Board.

In addition to approval of the ROPS, the City is also tasked with making two appointments to the Oversight Board, which are required by March 1, 2012. The Oversight Board will be responsible for directing and approving the actions of the Successor Agency, including the following activities as they specifically pertain to San Bruno:

- The Oversight Board will determine the repayment terms for outstanding loans/advances where the terms have not been specified previously, which includes the \$2.9 million outstanding advance from the City to the Redevelopment Agency. Staff recommends that the City Council determine the desired repayment schedule in advance and request the Oversight Board to approve this repayment schedule when it meets. As shown in the attached ROPS, staff recommends that the repayment occur at a rate of \$500,000 per year for the next six years. Repayment at this rate will ensure that adequate tax increment funds are available on an annual basis to pay the obligation. As an alternative, the City Council may wish to direct a different repayment schedule to secure repayment of the General Fund advances to the Agency. Once repaid to the General Fund, the City Council will have the option to determine how the funds should be used.
- The Oversight Board shall direct the Successor Agency to dispose of all assets and properties of the former Redevelopment Agency; provided, however that the Oversight Board may instead direct the Successor Agency to transfer ownership of those assets that were constructed and used for governmental purpose. The two properties owned by the Redevelopment Agency are the San Bruno Police Station building at 1177 Huntington Avenue (the underlying property is owned by BART and leased by the City) and the landscaped public area located at 470 San Mateo Avenue. Given that both of these properties fall within the guidelines of

governmental use, it is anticipated that the ownership will be transferred to the City.

- The Oversight Board will be responsible for the establishment and approval of the Recognized Obligation Payment Schedule semi-annually.

The Oversight Board will be subject to the provisions of the Brown Act and the City, serving as the Successor Agency, will be responsible for posting all public notices for meetings of the Oversight Board on its website. City staff may also be asked to work at the direction of the Oversight Board in furtherance of the Oversight Board's duties and responsibilities. Given the importance of the decisions made by the Oversight Board, it is recommended that the two City appointees be able to fully represent the activities of the former redevelopment agency and the outstanding agency obligations to the rest of the Oversight Board as needed. Staff recommends that the Mayor and City Manager (as the Executive Director of the former Redevelopment Agency) be appointed to represent the City on the Oversight Board.

### **FISCAL IMPACT**

The adoption of the attached Resolutions complies with the provisions of ABx1 26 and allows the City/Successor Agency to pay the enforceable obligations as listed on the ROPS. Once approved by the Oversight Board, the enforceable obligations listed on the ROPS will be paid from Redevelopment Tax Increment allocated by the County to the Successor Agency.

### **RECOMMENDATION**

Adopt Resolutions as Successor Agency to the San Bruno Redevelopment Agency Approving the Draft First and Second Recognized Obligation Payment Schedules for the Period of March 1 – June 30, 2012 and July 1 - December 31, 2012 and Affirming the Appointment of Members to the Oversight Board for the former San Bruno Redevelopment Agency

### **ALTERNATIVES**

1. Do Not Adopt Resolutions and provide alternative direction to staff.
2. Identify and appoint alternative representatives to the Oversight Board.
3. Direct changes to the ROPS as presented.

### **DISTRIBUTION**

None

**ATTACHMENTS**

1. Resolutions
2. Exhibit A
3. Exhibit B

**DATE PREPARED**

February 17, 2012

**REVIEWED BY**

\_\_\_\_\_CM

**RESOLUTION NO. 2012 - \_\_\_\_\_**

**RESOLUTION AS SUCCESSOR AGENCY TO THE SAN BRUNO  
REDEVELOPMENT AGENCY APPROVING THE DRAFT FIRST AND SECOND  
RECOGNIZED OBLIGATION PAYMENT SCHEDULES FOR THE PERIOD OF  
MARCH 1 – JUNE 30, 2012 AND JULY 1 - DECEMBER 31, 2012**

WHEREAS, in accordance with Section 34171(j) of the California Community Redevelopment Law (Health & Safety Code § 33000 *et seq.*) ("CRL"), the City Council of the City of San Bruno ("City" or "City Council," as applicable) is the successor agency to the former San Bruno Redevelopment Agency and is responsible for, among other things, winding down the dissolved Agency's affairs, continuing to meet the Agency's enforceable obligations, overseeing completion of redevelopment projects and disposing of the assets and properties of the Agency, all as directed by the oversight board to be created pursuant to Section 34179 of the CRL ("Oversight Board"); and

WHEREAS, in conformance with Section 34169(g) of the CRL, the Agency adopted an Amended Enforceable Obligation Payment Schedule ("Amended EOPS") by Resolution No. 2012-07 on January 24, 2012, which included the minimum payment amounts and due dates of payments set forth in the Amended EOPS for the period January 1, 2012 through June 30, 2012; and

WHEREAS, in conformance with Section 34169(h) of the CRL, the Agency prepared a Preliminary Draft Recognized Obligation Payment Schedule; and

WHEREAS, pursuant to Section 34177 of the CRL, a draft of the first recognized obligation payment schedule for the period March 1 through June 30, 2012, and a draft of the second recognized obligation payment schedule for the period July 1 through December 31, 2012 (collectively, the "Draft ROPS"), have been prepared for purposes of submission to the San Mateo County Auditor-Controller for preparation of an audit of the Draft ROPS and certification of its accuracy in accordance with Section 34177(l)(2)(A) of the CRL and, thereafter, for submission of the certified recognized obligation payment schedules ("ROPS") to the Oversight Board for approval in accordance with Section 34177(l)(2)(B) of the CRL.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Bruno, as successor agency to the San Bruno Redevelopment Agency does hereby resolve as follows:

Section 1. The City Council hereby adopts the Draft First Recognized Obligation Payment Schedule, attached hereto as Exhibit A.

Section 2. The City Council hereby adopts the Draft Second Recognized Obligation Payment Schedule, attached hereto as Exhibit B.

Section 3. The City Manager is hereby directed to submit each Draft ROPS to the San Mateo County Auditor-Controller for its audit and certification and, thereafter, to submit the certified ROPS to the Oversight Board for approval, and to take any other actions that may be required in order to obtain Oversight Board approval of the certified ROPS, including, without limitation, making amendments to the certified ROPS required by the County Auditor-Controller or the Oversight Board.

I hereby certify the foregoing Resolution No. 2012-\_\_\_ was introduced and adopted by the City Council at a regular meeting on February 28, 2012 by the following vote:

AYES:

NOES:

ABSENT:

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City Clerk

**RESOLUTION NO. 2012 - \_\_\_\_\_**

**RESOLUTION OF THE CITY OF SAN BRUNO AFFIRMING THE  
APPOINTMENT OF THE MAYOR AND CITY MANAGER AS MEMBERS OF  
THE OVERSIGHT BOARD FOR DISSOLUTION OF THE SAN BRUNO  
REDEVELOPMENT AGENCY**

WHEREAS, the San Bruno Redevelopment Agency ("RDA") was a public body, corporate and politic, organized and existing under the California Community Redevelopment Law ("CRL")

WHEREAS, on December 29, 2011 in *California Redevelopment Association v Matosantos*, the California Supreme Court upheld Assembly Bill x1 26, which dissolves all of the redevelopment agencies in California, and struck down Assembly Bill x1 27, which would have allowed redevelopment agencies to remain in existence if the opted in to a "Voluntary Alternative Redevelopment Program"; and

WHEREAS, the City has elected to serve as the "Successor Agency" to the San Bruno Redevelopment Agency; and

WHEREAS, pursuant to Section 34179 of the CRL, each Successor Agency shall have an "Oversight Board" composed of seven members, of which one member is appointed by the Mayor for the city that formed the Redevelopment Agency and one member is appointed by the Mayor to represent the employees of the former Redevelopment Agency; and

WHEREAS, the Mayor has determined that it is in the best interest of the City of San Bruno and the employees of the former RDA that he appoint the Mayor and the City Manager (as the Executive Director of the former RDA) to represent the City and the employees of the former RDA, respectively, on the Oversight Board:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Bruno hereby affirms the Mayor's appointments of the Mayor and City Manager as members of the Oversight Board for the Successor Agency to the San Bruno Redevelopment Agency, pursuant to Section 34179(a) of the CRL.

I hereby certify the foregoing Resolution No. 2012-\_\_\_ was introduced and adopted by the City Council at a regular meeting on February 28, 2012 by the following vote:

AYES:

NOES:

ABSENT:

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City Clerk

**RECOGNIZED OBLIGATION PAYMENT SCHEDULE FY 2011-12**  
 Per AB 26 - Section 34169

Project Name / Debt Obligation	Payee	Description	Funding Source	Total Outstanding Debt or Obligation as of March 1, 2012	Total Due During Fiscal Year	Payments by Month (March - June estimated)					Total March - June	
						Mar	Apr	May	Jun			
1) City Advances to the Redevelopment Agency in accordance with Cooperation Agreement dated August 10, 1988	City of San Bruno	Loan for operating and admin costs	Redevelopment Tax Increment	\$ 2,977,033.00	\$ 500,000.00						500,000.00	500,000.00
2) Interest Payment on City Advances to the Redevelopment Agency per Resolution	City of San Bruno	Interest at 5.66% on loan for capital projects and admin costs	Redevelopment Tax Increment	604,000.00	171,131.85	14,260.99	14,260.99	14,260.99	12,094.25		54,817.22	54,817.22
3) Reimbursement Agreement	Union Bank	Bonds issued for new police facilities	Redevelopment Tax Increment	12,059,713.25	649,638.00							0.00
4) Agent fees	Union Bank	Fiscal Agent fees	Redevelopment Tax Increment	41,691.00	2,500.00							0.00
5) Archstone II Owner Participation Agreement	ASN Tanforan Crossing LLC	Tax increment reimbursement of affordable housing subsidy	Redevelopment Tax Increment	4,440,000.00	370,000.00				370,000.00			370,000.00
6) Archstone I Owner Participation Agreement	ASN Tanforan Crossing LLC	Tax increment reimbursement of affordable housing subsidy	Redevelopment Tax Increment	9,019,000.00	311,000.00				311,000.00			311,000.00
7) Administrative Costs	Successor Agency	Statutory 5% Administrative Fee	Redevelopment Tax Increment	2,615,000.00	365,000.00	\$ 73,000.00	\$ 73,000.00	\$ 73,000.00	\$ 73,000.00	\$ 73,000.00	\$ 73,000.00	282,000.00
8) Successor Agency Support Costs	Various	Legal/Advisory services, supplies, utilities for the Successor Agency	Redevelopment Tax Increment	80,000.00	40,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	20,000.00
9) Commercial Building Rehabilitation - Façade Improvement Grant Program	Various owners of commercial buildings in the Redevelopment Area	Provides grant funds to commercial property owners	Redevelopment Tax Increment	111,250.00	111,250.00	\$ 59,000.00	\$ 22,000.00					111,250.00
10) Transit Corridors Plan Study and Environmental Impact Report	MIG	Consulting services for Transit Corridors Study & EIR	Redevelopment Tax Increment	46,477.00	44,477.00	\$ 25,032.00			7,445.00			32,477.00
11) Project - Street Median & Grand Blvd Improvement Project	Landscape Architecture Inc, Callender Associates, and TBD	Design Services and Construction for Street Median Improvements	Redevelopment Tax Increment	320,000.00	160,000.00			80,000.00	80,000.00			160,000.00
12) Project - Caltrain Grade Separation	PB Americas/Various	Construction management services contract for Caltrain Grade Separation	Redevelopment Tax Increment	973,400.00	293,000.00	30,000.00	30,000.00	30,000.00	155,000.00			245,000.00
Totals - This Page				\$ 33,287,464.25	\$ 3,017,966.85	\$ 206,292.99	\$ 144,260.99	\$ 202,260.99	\$ 1,543,729.25	\$ 2,096,544.22		
Totals - Page 2												
Totals - Page 3												
Totals - Page 4												
Totals - Other Obligations												
Totals - All Pages				\$ 33,287,464.25								

All payment amounts are estimates

**RECOGNIZED OBLIGATION PAYMENT SCHEDULE FY 2012-13**  
 Per AB 26 - Section 34169

Project Name / Debt Obligation	Payee	Description	Funding Source	Total Outstanding Debt or Obligation as of July 1, 2012	Total Due During Fiscal Year	Payments by Month (July - December estimated)					Total July - December	
						Jul	Aug	Sep	Oct	Nov		Dec
1) City Advances to the Redevelopment Agency in accordance with Cooperation Agreement dated August 10, 1988	City of San Bruno	Loan for operating and admin costs	Redevelopment Tax Increment	\$ 2,477,033.00	\$ 500,000.00						250,000.00	
2) Interest Payment on City Advances to the Redevelopment Agency per Resolution	City of San Bruno	Interest at 5.03% on loan for capital projects and admin costs	Redevelopment Tax Increment	430,555.10	144,411.02	\$ 12,034.25	\$ 12,034.25	\$ 12,034.25	\$ 12,034.25	\$ 12,034.25	10,819.87	70,990.92
3) 2000 Certificate of Participation Reimbursement Agreement	Union Bank	Bonds issued for new police facilities	Redevelopment Tax Increment	12,059,713.25	646,357.50	188,178.75					449,178.75	646,357.50
4) Agent Fees	Union Bank	Fiscal Agent fees	Redevelopment Tax Increment	41,591.00	2,500.00						2,500.00	2,500.00
5) Archstone II Owner Participation Agreement	ASN Tamboran Crossing LLC	Tax increment reimbursement of affordable housing subsidy	Redevelopment Tax Increment	4,070,000.00	370,000.00							0.00
6) Archstone I Owner Participation Agreement	ASN Tamboran Crossing LLC	Tax increment reimbursement of affordable housing subsidy	Redevelopment Tax Increment	8,708,000.00	311,000.00							0.00
7) Administrative Costs	Successor Agency	Statutory 5% Administrative Fee	Redevelopment Tax Increment	2,250,000.00	450,000.00	\$ 37,500.00	\$ 37,500.00	\$ 37,500.00	\$ 37,500.00	\$ 37,500.00	37,500.00	225,000.00
8) Successor Agency Support Costs	Various	Legal/consulting services, supplies, utilities	Redevelopment Tax Increment	40,000.00	40,000.00	\$ 3,333.33	\$ 3,333.33	\$ 3,333.33	\$ 3,333.33	\$ 3,333.33	3,333.33	19,999.98
9) Commercial Building Rehabilitation - Façade Improvement Grant Program	Various owners of commercial buildings in the Redevelopment Area	Provides grant funds to commercial property owners	Redevelopment Tax Increment	-	-							0.00
10) Transit Corridors Plan Study and Environmental Impact Report	MIG	Consulting services for Transit Corridors Study & EIR	Redevelopment Tax Increment	14,000.00	14,000.00	\$ 7,000.00	\$ 7,000.00					14,000.00
11) Project - Street Median & Grand Blvd Improvement Project	Landscape Architecture Inc, Callander Associates, and TBD	Design Services and Construction for Street Median Improvement	Redevelopment Tax Increment	160,000.00	160,000.00	\$ 80,000.00	\$ 80,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00		160,000.00
12) Project - Caltrain Grade Separation	PB Americas/Various	Construction management services contract for Caltrain Grade Separation	Redevelopment Tax Increment	728,400.00	728,400.00	25,377.78	25,377.78	25,377.78	125,377.78	125,377.78	125,377.78	452,266.68
Totals - This Page				\$ 30,976,292.35	\$ 3,368,688.52	\$ 364,424.11	\$ 125,245.36	\$ 118,245.36	\$ 178,245.36	\$ 178,245.36	\$ 878,709.53	\$ 1,843,115.08
Totals - Page 2												
Totals - Page 3												
Totals - Page 4												
Totals - Other Obligations												
Totals - All Pages				\$ 30,976,292.35								

All payment amounts are estimates



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

**DATE:** February 28, 2012

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

**FROM:** Kim Juran, Finance Director

**SUBJECT:** Adopt Resolution Approving Mid-Year Budget Amendment for the Fiscal Year 2011-12 General Fund, Special Revenues Funds, Enterprise Funds, and Capital Improvement Program Budgets

### **BACKGROUND**

The City Council approves annual budgets based on the best revenue and expenditure information available several months prior to the actual adoption of budget appropriations. As a result, budget adjustments are periodically necessary for changes that arise requiring additional budget appropriations or re-appropriations between budget line items. The City Council approved the current 2011-12 General Fund, Special Revenue Funds, and Enterprise Funds Budget on June 28, 2011.

### **DISCUSSION**

The City Council received an in-depth mid-year 2011-12 General Fund financial report at a Study Session on February 14, 2012. At this Study Session, City Council was provided with estimates of year-end revenues, showing anticipated revenues in excess of the budget amounts in sales tax, transient occupancy tax, and the departmental revenue categories. It is anticipated that these revenue increases will be sufficient in the current year to absorb the increased expenditures in the General Fund resulting from the loss of redevelopment.

Each of the revenues and expenditures in the proposed amendment has previously been presented to and approved by the City Council. The proposed amendments are summarized below including the purpose of the expenditure, amount, funding source, and date the matter was previously acted on by the City Council:

#### **General Fund Revenues**

- Increase sales tax revenues to reflect positive economic trend, \$500,000 (presented on February 14, 2012)
- Increase transient occupancy tax to reflect positive economic trend, \$400,000 (presented on February 14, 2012)
- Decrease in general administration allocation revenues as a result of the termination of Redevelopment Agency, \$325,030 (presented on February 14, 2012)

*10.d.*

- Increase in Police revenues for Citizen's Option for Public Safety (COPS) funding, \$100,000 (approved on October 25, 2011)
- Increase Fire revenues to include shared services agreement revenue, \$130,000 (presented on February 14, 2012)
- Increase Building revenues to include major development permit fees, \$387,000 (presented on February 14, 2012)
- Increase State Library Grant revenue for staff time and equipment purchase in order to offer an after-school homework program, \$5,900 (approved on October 25, 2011)

### **General Fund Appropriation**

- Increase in Community Development budgeted salaries, benefits and program services as a result of the termination of Redevelopment Agency, \$368,424 (presented on February 14, 2012)
- Increase Library expenditure for staff time and equipment purchase in order to offer an after-school homework program, \$5,900 (approved on October 25, 2011)

### **Special Revenue Funds Revenues and Appropriations**

- Increase revenue and expense in Police Federal Grant Fund for Citizen's Option for Public Safety (COPS) funding, \$100,000 (approved on October 25, 2011) and the partial funding of the purchase of Ballistic Vests from Adamson Police Products, \$17,414 (approved on November 8, 2011)
- Increase State Library Fund revenue and expenditure for staff time and equipment purchase in order to offer an after-school homework program, \$24,100 (approved on October 25, 2011)
- Transfer Gas Tax to Commodore Drive Pedestrian Access project, \$80,000 (approved on October 11, 2011)
- Transfer Park-in-Lieu funding to Lions Field Synthetic Turf project, \$1,500,000 (approved on December 13, 2011)
- Transfer Redevelopment funding to Street Medians and Grand Boulevard project, \$320,000 (approved on October 11, 2011)

### **Crestmoor (Glenview) Emergency Revenues and Appropriations**

- Increase revenues from submittal reimbursements, \$1,642,365
- Increase appropriation for counseling assistance program and community commemorative events, \$9,317
- Increase appropriation for reconstruction planning and building reviews, video coverage, and staff costs associated with supporting community events, \$107,318
- Increase appropriation for professional services to support to ongoing federal and state proceedings, \$264,941
- Increase reconstruction and maintenance cost to repair, maintain and replace damaged public infrastructures in the Crestmoor/Glenview Neighborhood, \$58,983

**Water Enterprise Appropriations**

- Increase appropriation for Water and Wastewater Rate Study, \$5,000 (approved on December 13, 2011)

**Wastewater Enterprise Appropriations**

- Appropriation for Water and Wastewater Rate Study, \$15,000 (approved on December 13, 2011)

**Capital Project Appropriations**

- Cable Services Equipment Replacement Project—Funds of \$152,186 for a total project budget of \$2,528,352 to acquire caching and high definition equipment to better service customers (approved on October 11, 2011)
- Commodore Drive Pedestrian Access Project—Funds of \$80,000 for a total budget of \$400,000 to design Commodore Drive improvements between Palos Verdes School and Mariner Drive (approved on October 11, 2011)
- Lions Field Synthetic Turf Project—Funds of \$1,500,000 for a total budget of \$1,700,000 to begin construction of the field and design to replace existing electrical cabinet (approved on December 13, 2011)
- Streets Medians and Grand Boulevard Project—Funds of \$320,000 for a total budget of \$1,758,086 to construct eight medians on El Camino Real (approved on October 11, 2011)

**FISCAL IMPACT**

The proposed budget amendment adjusts revenues and expenditures for the City's 2011-12 General Fund, Special Revenue Funds, and Enterprise Funds, and Capital Improvement Program Budgets. The amendment summarizes necessary revenue and appropriation adjustments based on City Council reports and actions since September 30, 2011.

Fund	Revenue Increase / (Decrease)	Appropriation Increase / (Decrease)	Inter-fund Transfers in/(out)
General Fund	\$ 1,091,970	\$ 374,324	\$ 105,900
Special Revenues Funds	\$ 141,514	\$ 41,514	(\$ 2,005,900)
Emergency Fund	\$ 1,642,365	\$ 440,559	
Water Enterprise		\$ 5,000	
Wastewater Enterprise		\$ 15,000	
Capital Project Fund		\$ 2,052,186	\$ 1,900,000

## **ALTERNATIVES**

1. Do not approve the proposed budget amendments and maintain budgeted amounts as approved in the 2011-12 budgets.
2. Amend the proposed budget adjustments by adding to or eliminating any proposed appropriation changes to any line item.

## **RECOMMENDATION**

Adopt Resolution Approving Mid-Year Budget Amendment for the Fiscal Year 2011-12 General Fund, Special Revenues Funds, Enterprise Funds, and Capital Improvement Program Budgets

## **DISTRIBUTION**

None

## **ATTACHMENTS**

1. Resolution

## **DATE PREPARED**

February 17, 2012

## **REVIEWED BY**

CM\_\_\_\_\_

**RESOLUTION NO. 2012-\_\_\_\_\_**

**RESOLUTION APPROVING MID-YEAR BUDGET AMENDMENTS FOR THE FISCAL YEAR 2011-12 GENERAL FUND, SPECIAL REVENUES FUNDS, ENTERPRISE FUNDS, AND CAPITAL IMPROVEMENT PROGRAM BUDGETS**

WHEREAS, the City prepares and adopts its budgets with the intent of providing a planned policy program for City services and a financial system to carry out the planned program of services; and

WHEREAS, the City Council approved Resolution no. 2011-67 and 2011-69 adopting the 2011-12 Operating Budget on June 28, 2011; and

WHEREAS, the City Council may amend the budget as necessary to account for changing conditions; and

WHEREAS, amendments for revenues and expenditures impacting the various funds should be approved consistent with the operating requirements and previous City Council actions and consistent with the information provided with the mid-year financial status report received by the City Council on February 14, 2012:

**General Fund**

**Revenues**

Non-Departmental (001-9010)

General Sales Tax (4121) \$500,000

Transient Occupancy Tax (4122) 400,000

General Administration Allocation (4911) (325,030)

Police (001-2010)

COPS (4991) 100,000

Fire (001-2110)

Shared Services Reimbursement (4995) 130,000

Building Inspection (001-3320)

Building Permits (4261) 387,000

Library Services (001-5510)	
State Library Grant – after-school program (4435)	5,900

**Expenditures**

Planning (001-3310)	
Staff Time (5000)	160,032
Community Promotion (6502)	43,500
Internal Allocation (7901)	9,903
Building Inspection (001-3320)	
Staff Time (5000)	144,989
Graffiti Abatement (6409)	10,000
Library Services (001-5510)	
Staff Time (5000)	5,900

**Special Revenue Funds**

**Police Special Revenues COPS (Revenue and Expenditure)**

COPS funding (113-2020-4439 & 8999)	100,000
Ballistic Vest Grant (121-2010-4472 & 8014)	17,414

**State Library Grant (Revenue and Expenditure)**

After-school Homework Program (121-5510-4474, 8014, & 8999)	30,000
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**Gas Tax (101-4110) (Expenditure)**

Transfer to fund Commodore Drive Project (8999)	80,000
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**Park in-Lieu (131-9901) (Expenditure)**

Transfer to Lions Field Synthetic Turf Project (8999)	1,500,000
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**Redevelopment Agency (151-3510) (Expenditure)**

Transfer to Street Medians and Grand Boulevard Project (8999)	320,000
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**Crestmoor (Glenview) Emergency Disaster Funds**

**Revenues (190-9010)**

Trust Reimbursement (4995)	1,642,365
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**Expenditures**

Community Support Outreach (6704 & 6910)	9,317
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Regular and Contract Staff Time (5000 & 6401)	107,318
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Profession Services (various)	264,941
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Infrastructure maintenance and replacement (various)	58,983
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**Enterprise Funds**

**Expenditures**

**Water (611-6120)**

Professional Services (6401) Rate Study	5,000
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**Wastewater (631-6310)**

Professional Services (6401) Rate Study	15,000
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**Capital Project Funds**

**Cable Projects (641-6480) (Expenditure)**

Cable Services Equipment Replacement Project (8014)	152,186
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**Parks & Facilities Projects (201-1801) (Revenue and Expenditure)**

Lions Field Synthetic Turf Project (4999 & 8020)	1,500,000
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Street Medians & Grand Boulevard Project (4999 & 8020)	320,000
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**Streets Projects (203-4801) (Revenue and Expenditure)**

Commodore Drive Pedestrian Access Project (4999 & 8020) 80,000

**NOW THEREFORE**, the City Council of the City of San Bruno hereby resolves to amend the 2011-12 General Fund, Special Revenue Funds, Enterprise Funds, and Capital Improvement Program Budgets and that specific revenue and expenditure line items enumerated are hereby amended.

—o0o—

I hereby certify that foregoing Resolution No. 2012-\_\_\_\_ was introduced and adopted by the San Bruno City Council at a regular meeting on February 28, 2012 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
City Clerk



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** February 28, 2012  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Klara A. Fabry, Public Services Director  
**SUBJECT:** Adopt Resolution Authorizing Use of \$100,000 from the Energy Efficiency & Conservation Block Grant for the Energy Efficiency Retrofit and Renewable Energy Program

**BACKGROUND:**

The 2006 Global Warming Solutions Act (Assembly Bill 32) obligates California to reduce greenhouse gas emissions to 1990 levels by 2020. Funding of energy efficiency and rebate programs is one of the strategies used to achieve emission reductions. Launched in the spring of 2011, Energy Upgrade California™ is an alliance among California counties, cities, non-profit organizations, the state's investor-owned utilities (e.g. Pacific Gas and Electric), and publicly owned utilities to reduce energy consumption from residential buildings. Energy upgrade rebates are generally paid out by participating utilities, with some local agencies providing additional rebates.

On June 28, 2011 the City Council authorized matching rebates for San Bruno homeowners participating in Energy Upgrade. Shortly after, San Mateo County offered a similar matching rebate for all participating homeowners in San Mateo County, including San Bruno residents. Combining these matching rebates allowed San Bruno homeowners to be eligible to receive up to \$12,000 in energy efficiency rebates.

The City funds its Energy Upgrade rebates through an Energy Efficiency and Conservation Block Grant (EECBG) received from the U.S. Department of Energy. Out of the \$159,700 EECBG grant funds received, \$80,000 was allocated toward Energy Upgrade, \$40,000 was allocated to developing a Climate Action Plan, \$19,700 was allocated toward the purchase of energy-efficient street lights, and \$20,000 was allocated to conduct an energy efficiency and renewable energy study of water and wastewater utility facilities.

Due to the popularity of the Energy Upgrade program and issues involving the timely transfer of rebate information from the County to the City, staff recommends transferring \$20,000 of EECBG funds from the efficiency/renewable energy study for water and wastewater facilities to the Energy Upgrade Program. This transfer of funds, however, will not alter the City's commitment to complete the utility facility study.

The Energy Upgrade program is for retrofitting existing homes and it is separate from the Rebuild It Green Incentive Program for the Crestmoor fire rebuild area that was presented to the City Council December 13, 2011.

*10.e.*

**DISCUSSION:**

The Energy Upgrade Program works by directing residents interested in making energy efficiency improvements to visit [EnergyUpgradeCA.org](http://EnergyUpgradeCA.org) to locate certified contractors. The contractor conducts a detailed home energy assessment that recommends specific energy efficiency projects such as windows, wall insulation, duct sealing, heating and cooling systems, and high efficiency water heating systems. The more energy saved, the higher the rebate. Homeowners can receive \$1,500—\$4,000 from PG&E, and the City of San Bruno will provide a one-to-one match. In addition, the City subsidizes half the cost of the home energy assessment and reimburses building permit fees. Up until December 2011, San Mateo County also provided a one-to-one rebate.

Due to the program's popularity and the looming expiration of San Mateo County's rebate, there was a large influx of rebate applications submitted in late December 2011. As a result, there was a delay in the transfer of information from San Mateo County regarding San Bruno applications. At the beginning of January, staff's records indicated that approximately \$40,000 of program funds remained. However, a transfer of information from the County in February included a backlog of December applications that should have been forwarded earlier, with the result that all of the funding was committed by the end of January.

As of February 16, 2012 San Bruno homeowners have received or reserved Energy Upgrade rebates, with an additional five homeowners on the wait list. San Bruno participants are becoming an average of 30% more efficient. Because the program has proved so popular and the funding ran out sooner than anticipated, staff recommends allocating an additional \$20,000 of EECBG funds toward the Energy Upgrade Program.

Allocating an additional \$20,000 would cover the waitlist and leave approximately \$7,000 available for future rebate applicants. Not only will a new infusion of funds continue an effective energy efficiency program, it will help ensure that the City can encumber all of its remaining EECBG funding by May 2012, a requirement from the U.S. Department of Energy. The additional \$20,000 would be transferred from the energy efficiency and renewable energy study. This project continues to be shown in the City's budget and will be completed as part of an overall effort to assure energy efficiency in the operation of City utility facilities. The project funding can be replaced with Water and Wastewater Enterprise resources to assure that the project will not adversely impacted.

**FISCAL IMPACT:**

Staff proposes transferring \$20,000 of Energy Efficiency and Conservation Block Grant (EECBG) funds from the energy efficiency and renewable energy study of water and wastewater facilities to the Energy Upgrade Program. Staff recommends that the study be funded with \$10,000 each from Water and Wastewater Enterprise Funds, which were the original source of funds for the study prior to EECBG funds becoming available. The total amount of EECBG funding received by the City will remain unchanged at \$159,700.

Given the amount of funding already reserved for rebates, staff would expect all program funds reserved by the end of March 2012. Out of the proposed \$100,000 allocated toward

the Energy Upgrade Program, only \$4,000 will be used for administration, meaning that 96% of funding will go directly to San Bruno residents.

**ALTERNATIVES:**

1. Do not approve the additional allocation of funding. Those residents on the waitlist will not receive rebates from the City of San Bruno.
2. Approve only \$13,000 in additional funding, the amount required to cover the residents on the waitlist. No future applicants would be eligible for City of San Bruno funds.

**RECOMMENDATION:**

Adopt resolution authorizing use of \$100,000 from the Energy Efficiency & Conservation Block Grant for the Energy Efficiency Retrofit and Renewable Energy Program.

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Resolution

**DATE PREPARED:**

February 16, 2012

**REVIEWED BY:**

\_\_\_\_\_ CM

**RESOLUTION NO. 2012- \_\_\_\_**

**RESOLUTION AUTHORIZING USE OF \$100,000 FROM THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FOR THE ENERGY EFFICIENCY RETROFIT AND RENEWABLE ENERGY PROGRAM**

**WHEREAS**, the City of San Bruno has an interest in conserving natural resources and reducing community wide greenhouse gas emissions; and

**WHEREAS**, the City Council authorized the Energy Efficiency Retrofit and Renewable Energy capital improvement project to provide incentives for the construction of energy efficient retrofits and installation of renewable energy in San Bruno; and

**WHEREAS**, Energy Upgrade California™ is an alliance among California counties, cities, non-profit organizations, the state's investor-owned utilities, and publicly owned utilities to reduce energy consumption by providing rebates for energy efficiency improvements; and

**WHEREAS**, on June 28, 2011 the City authorized a program to match rebates offered by Energy Upgrade California™ (Program); and

**WHEREAS**, the Program also provides rebates for home energy audits, reimburses building permit fees, and provides rebates for the installation of renewable energy; and

**WHEREAS**, the original \$80,000 of Energy Efficiency and Conservation Block Grant (EECBG) funds received from the federal Department of Energy to fund the Program have been expended or reserved by San Bruno rebate customers; and

**WHEREAS**, a waitlist has been established for residents who did not submit an application before the available funded was expended or reserved; and

**WHEREAS**, allocating an additional \$20,000 of EECBG funds to the Program will allow all the residents on the wait list to receive energy efficiency rebates from the City of San Bruno and provide additional limited funding for new applicants.

**NOW, THEREFORE, BE IT RESOLVED** that the San Bruno City Council hereby authorizes the use of \$100,000 from the Energy Efficiency and Conservation Block Grant for the Energy Efficiency Retrofit and Renewable Energy Program.