



"The City With a Heart"

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

**CITY COUNCIL
SPECIAL MEETING – CLOSED SESSION**

AGENDA

April 23, 2013

6:00 p.m.

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

1. CALL TO ORDER:

2. ROLL CALL:

3. CONDUCT OF BUSINESS:

- a. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9(d)(1)

Names of cases:

California Public Utilities Commission Order Instituting Investigation Matters:

I.12-01-007

I.11-02-016

I.11-11-009

California Public Utilities Commission Rulemaking Matter:

R.11-02-019

- 4. 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.

5. ADJOURNMENT:

The next Regular City Council Meeting will be held on January 8, 2013, at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road.



"The City With a Heart"

Jim Ruane, Mayor
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AGENDA

SAN BRUNO CITY COUNCIL

April 23, 2013

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 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:

The American Cancer Society's Relay for Life will be held on Saturday, April 27, 2013 at Capuchino High School in San Bruno beginning at 10:00 a.m.

4. PRESENTATIONS:

5. REVIEW OF AGENDA:

6. APPROVAL OF MINUTES: Regular City Council Meeting of April 9, 2013.

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 April 8, and 15, 2013.

b. **Approve:** Payroll of April 7, 2013.

c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated March 31, 2013.

d. **Waive:** Waive Second Reading and Adopt Ordinance Repealing Chapter 6.08 (Discharge of Firearms) of the Municipal Code and Adding New Chapter 6.08 (Firearms) to the Municipal Code to Establish Police Permit System for New Firearms Dealers.

8. PUBLIC HEARINGS:

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

10. CONDUCT OF BUSINESS:

- a. Adopt Resolution Approving the Culture and Arts Commission Recommendation for a Centennial Art Project Concept and Site.
- b. Receive Staff Report and Consider Repeal of Chapter 4.40 Regarding Massage Establishments and a Revised Massage Establishment Ordinance.
- c. Receive Quarterly Financial Update Report as of March 31, 2013 for the 2012-13 General Fund, Enterprise Fund, and Internal Service Funds Operating Budget.
- d. Adopt Resolution Authorizing the City Manager to Execute a Contract with En Pointe Technologies for Purchase of Microsoft Office Suite 2013 in the Amount of \$37,395.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Receive Annual Report from the Community Preparedness Committee.

12. COMMENTS FROM COUNCIL MEMBERS:

13. CLOSED SESSION:

- a. Conference with Labor Negotiators Pursuant to Gov't Code Section 54957.6
Agency Designated Representatives: City Manager and Human Resources Director
Employee Organization: Public Safety Mid-Management Bargaining Unit.
- b. Conference with Legal Counsel--Anticipated Litigation; Significant Exposure to Litigation pursuant to Government Code section 54956.9(d)(2): One Case.

"The City With a Heart"



Jim Ruane, Mayor
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Michael Salazar, Councilmember

MINUTES SAN BRUNO CITY COUNCIL

April 9, 2013

7:00 p.m.

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

1. CALL TO ORDER:

THIS IS TO CERTIFY THAT the San Bruno City Council met on April 9, 2013 at the San Bruno Senior Center, at 1555 Crystal Springs Rd., San Bruno, CA. The meeting was called to order at 7:00 p.m. **Mayor Ruane** thanked the Garden Club for the beautiful flower arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE:

Presiding was Mayor Ruane, Vice Mayor O'Connell, Council Members Ibarra, Medina, and Salazar. **City Attorney Zafferano** led the Pledge of Allegiance. Recording by Deputy Clerk Hasha.

3. ANNOUNCEMENTS:

- a. **Mayor Ruane** announced San Bruno Police Department in coordination with Congresswoman Jackie Speier and other North San Mateo County Police Agencies, will co-sponsor a Gun Buyback Saturday April 23rd from 9:00 a.m. to 12:00 noon at 1050 Old Mission Road in South San Francisco. Guns will be accepted for buyback from residents of North San Mateo County.
- b. **Mayor Ruane** congratulated Parks and Recreation Commissioner Lorry Greenberg on an award given to her by the Parks and Recreation Commission. This award recognizes a volunteer in the community that supports or is engaged in the services and programs offered by the Community Services Department, which includes the Parks and Recreation Department and the Library. Mayor Ruane thanked Lorry Greenberg for all the hard work she does for the community.

Councilmember Ibarra questioned the date of the Gun Buyback event, thinking it might be wrong.

Chief of Police Telford clarified that the date was in error, the event will be held the coming Saturday, April 13th.

Councilmember Salazar asked if someone just wants to turn a gun in any time without a cash reward, can they?

Chief Telford said, people can call the police non-emergency line at 616-7100 at any time and the police department will make arrangements for the gun to be turned in to them.

4. PRESENTATIONS:

- a. Receive Presentation from Deborah Owdom, Project Director Retired and Senior Volunteer Program (RSVP) of San Mateo County and Present Proclamation on Mayors Day of Recognition for National Service.

Deborah Owdom gave an overview of the program, explained this is the 1st Annual Mayors Day of Recognition for National Service and received the proclamation from the Mayor.

Councilmember O'Connell asked how someone might volunteer and what the minimum age is.

Ms. Owdom answered the minimum age is 55 and that the RSVP program can be reached by contacting Mills Peninsula Health Services.

Mayor Ruane thanked Ms. Owdom and also acknowledged and thanked two volunteers at Skyline College Joshua Jubelirer, who is a Spark Point Vista member who is focused on developing the capacity of the center to meet the needs of their clients and is an invaluable member of their team. Also Sabrina Lawrence Gomez, and AmeriCorp National Service member who serves with Climate Corps Bay Area.

- b. Present Proclamation Recognizing the Bay Area Water Supply and Conservation Agency (BAWSCA) on its 10th Anniversary of Service to Residents of its Member Cities.

Mayor Ruane presented the proclamation to Councilmember Irene O'Connell who is the Council's representative and chair of BAWSCA.

Councilmember O'Connell thanked the mayor and stated that the mission of the agency is to continue to work with the San Francisco Public Utilities Commission to ensure that clean, good quality, reliable water is available to us at a fair price. She was elected as chair in January and looks forward to serving her term with BAWSCA.

- c. Present Proclamation Declaring the Week of April 21 Through April 27, 2013 as West Nile Virus and Mosquito and Vector Control and Awareness Week in San Bruno.

Mayor Ruane presented the proclamation to Ben Rusmisl, the technician for the San Mateo County Mosquito and Vector Control responsible for control, inspections and consultations in San Bruno. The Mayor also thanked the City of San Bruno's Representative on the board, Robert Riechel for all his hard work. Mr. Rusmisl thanked the City for its continued support of the District.

5. REVIEW OF AGENDA:

Mayor Ruane moved Item 11, Annual Report of the Crime Prevention Committee, to follow Item 8, Public Hearings.

6. APPROVAL OF MINUTES:

Regular City Council Meeting of March 26, 2013, approved as submitted.

7. CONSENT CALENDAR:

- a. **Approve:** Accounts Payable of March 18 & 25, April 1, 2013.
- b. **Approve:** Payroll of March 24, 2013.

- c. **Approve:** Appointment of Vice Mayor Irene O'Connell to a Four Year Term on the Bay Area water Supply and Conservation Agency (BAWSCA) Board of Directors Through June 30, 2017.
- d. **Adopt:** Resolution Authorizing the City Manager to Execute an Agreement with the U.S. Soccer Foundation Accepting a \$50,000 Grant for Lions Field Synthetic Turf Project.

Councilmember Salazar pulled Item 7.d.

Councilmember Ibarra pulled Item 7.c.

M/S Medina/Salazar to approve the remainder of the Consent Calendar, and it passed with all ayes.

Councilmember Ibarra commended Vice Mayor O'Connell on her dedication to serving on BAWSCA since the agency's beginning. He thanked her and wished her well in her future involvement with BAWSCA.

M/S Ibarra/Medina to approve Item 7.c. and it passed with all ayes.

Councilmember Salazar acknowledged that the City has received this very generous grant and that it is appreciated. He asked, since the grant came in after the project was completed, instead of replenishing the fund used for the project, could we create a separate reserve fund or use an existing reserve fund for this grant, so we have more flexibility in meeting the needs of Lions Field or some other parks and recreation facility that might need attention, that might not qualify for the Park in Lieu fund.

Vice Mayor O'Connell thought Councilmember's suggestion was an excellent one, but asked if there are restrictions on the grant

Community Services Superintendent Brewer wasn't sure if there were restrictions and offered to find out. She explained that there is a newly established reserve fund that gets it funding from rentals of the field.

Councilmember Medina had concerns in the earlier part of this process about the maintenance of the field and specifications of the grant, but appreciated the work put into it by staff, who reassured him it had been investigated and determined the best way to use the resources that we did to move forward with the project.

Mayor Ruane stated that while tonight's item intended to authorize the acceptance of the grant, he would like staff to provide a clearer picture of where the grant funds can go.

City Manager Jackson offered to bring back an action item to an upcoming meeting that will define the grant specifics and how the Park In Lieu fund can be replenished of the funds that were advanced to do the project before receipt of the grant and also how to accomplish the ability to address facility maintenance and other future facility needs.

Councilmember Salazar asked if the action tonight will approve accepting the grant.

City Manager Jackson advised that the council approve accepting the grant with the understanding that staff will bring back a subsequent item to confirm the movement of monies to accomplish the council's objectives.

M/S Salazar/Ibarra to approve Item 7.d. accepting the grant and for staff to bring back an item confirming the movement of monies and it passed with all ayes.

8. PUBLIC HEARINGS:

Hold Public Hearing, Waive First Reading, and Introduce Ordinance Amending the Municipal Code to Establish Police Permit System for New Firearms Dealers.

City Attorney Zafferano gave an overview of the proposed ordinance and noted some changes that were made to it upon further staff review. Section 6.08.070 h 1, will apply after the zoning code amendments, this relates to new firearms dealers being located only in the M -1 industrial zone, the zoning code amendments will be completed by the end of the year. Another change is that new firearms dealers must be a minimum of 250 feet from residences. Also that the Police Chief may establish hours of operation for firearms dealers and a reference to the purpose of this ordinance, which is to protect the establishment, its patrons and the public. Lastly there was a wording change made to the portion that said weapons had to be kept in a safe place, it now also says "or a safe room" in the event that the weapons don't fit in a safe.

Councilmember Ibarra asked what was involved in the investigation process.

City Attorney Zafferano answered that it includes an application and a police background check on the proposed firearms dealer.

Mayor Ruane opened the public hearing.

Chuck Zelnik, Merced Drive, asked if dealers would be allowed to sell guns out of their homes.

City Attorney Zafferano answered, no, firearms dealers may not sell guns in a residential district, only in the M -1 industrial zone.

Mayor Ruane asked if anyone else would like to address the council, no one else wished to speak.

M/S Medina/Ibarra to close the Public Hearing.

Councilmember Salazar asked if a licensed firearms dealer could sell firearms over the internet.

City Attorney Zafferano explained that in this particular ordinance a firearms dealer is define as someone who is in the business of selling, transferring, leasing or offering for sale any firearm.

Police Chief Telford answered State Law requires a Federal Firearms License and State Law refers back to a local city that may enact a permit process. So State Law and our proposed ordinance compliment each other and the result is firearms cannot be sold from a residence.

Councilmember Ibarra asked if firearms dealers can be restricted from doing internet sales and/or participating in gun shows.

City Attorney Zafferano said at this time he is not aware of any local regulations preventing firearms dealers from selling on-line or at gun shows. However it would be a Federal regulation and currently there are efforts in that direction with respect to background checks.

M/S O'Connell/Ibarra to waive the first reading and it passed with all ayes.

Vice Mayor O'Connell introduced the ordinance for adoption and it passed unanimously.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Moved to this earlier place from its original place later in the agenda.

Receive Annual Report from the Citizens Crime Prevention Committee.

Citizens Crime Prevention Committee Co-Chair Peter Carey gave an overview of the committee's accomplishments in the past year and their plans for the next year.

Vice Mayor O'Connell asked what exactly a neighborhood watch is and why people should be involved in it and how they can become involved in one.

Co-Chair Carey explained that a Neighborhood Watch is a way to get together with your neighbors and organize yourselves so you can look out for each other. Many times Neighborhood Watch participants are responsible for the apprehension of burglary suspects.

Vice Mayor O'Connell asked how residents can get involved in a Neighborhood Watch.

Co-Chair Robert Riechel said people should call the Police Department at 616-7100 to ask for information and the Citizens Crime Prevention Committee will contact them and assist them.

Councilmember Medina commented on his attendance at the last National Night Out at Grundy Park and how effective the event was as he witnessed two people who lived across the street from each other for years, meet for the first time. He said it is also important to know your neighbors in the event of an emergency or disaster, so that we can look out for one another. Its very important to reach out to your neighbors and be part of these programs.

Mayor Ruane expressed his gratitude to the committee for the many hours of their time that are volunteered and thanked them for their efforts. He also reminded that there are currently two vacancies on the Citizens Crime Prevention Committee and encouraged any interested residents to apply in the City Clerks Office.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Robert Riechel, announced that he is working with Councilmember Ibarra and several others to make sure that the Relay for Life San Bruno on April 27th and 28th at Capuchino High School is a success and encouraged people to come to the event and sign up to walk or they can also support the effort by going to Pasta Pomodoro, Monday April 15th through Wednesday April 17th a donation will be made by the restaurant to the American Cancer Society for all meals served.

10. CONDUCT OF BUSINESS:

- a. Adopt Resolution Authorizing the City Manager to Execute a Contract with HydroScience Engineers, Inc. for the Design of Olympic Pump Station Rehabilitation and Force Main Replacement Project in an Amount Not-to-Exceed \$261,069.

Director of Public Services Fabry gave a background of the item and asked the council if they had any questions.

Councilmember Ibarra brought up a report given to council in January about this and one other project, the costs at that time were \$11 and \$12 million dollars, he asked for clarification on the cost of the Olympic Pump Station Rehabilitation and Force Main Replacement Project.

Director Fabry stated that the estimated cost for design and construction was 3.1 million dollars and that the design portion alone was estimated at \$500,000 but was negotiated down to \$261,069.

Councilmember Medina asked about a panel that Director Fabry referred to in her overview of the project and asked who serves on the panel.

Director Fabry an internal panel interviewed the firms. It was comprised of the Project Manager, Wing Wong, the Acting City Engineer at that time, Ray Razavi, Dennis Bosch the Wastewater Manager and the two pump mechanics from the Public Services Department who are most familiar with this particular pump station.

Councilmember Medina wanted to confirm that the panel was in unanimous agreement that this recommendation be brought to the Council.

Director Fabry replied that yes, everyone on the panel was in agreement without exception.

Councilmember O'Connell introduced the resolution for adoption and it passed with all ayes.

- b. Adopt Resolution Authorizing the City Manager to Execute a Construction Contract with Bay Cities Pyrotec, Inc. for the Cable and Technology Fire Suppression System Project in the Amount of \$69,545 Approving a Construction Contingency of \$10,430 and Amending the Budgeted Appropriation of Funding for the Project.

Engineer Nader Dahu explained the projects criteria and gave some details on how the fire suppression system will protect sensitive equipment in the areas the system is installed in by using metal aerosol canisters containing an ultra fine particle fire retardant that is more effective than a sprinkler system for fire protection in this type of situation.

Councilmember Medina introduced the resolution for adoption and it passed with all ayes.

- c. Review Report and Authorize Process for the Disposition and Development of Vacant Lots Within the Crestmoor Neighborhood.

City Manager Jackson explained that seven of the vacant lots are owned by PG&E and that the City owns five lots for a total of 12, however staff has identified two lots that could potentially be used for expansion of an existing park area footprint or other public use. She stated a desire by staff to develop these lots as soon as possible. PG&E prefers to this process to be a coordinated effort with the City taking the lead. One of the options staff has considered for disposition of the lots is to offer them for private sale, so individuals could purchase and develop them. Another option is for the City to act as the landowner and developer, purchasing the properties from or PG&E develop them then sell them. After extensive evaluation the recommendation is that in coordination with PG&E and with the City in the lead managing and controlling a process to select through a request for proposals (RFP) a qualified and capable developer who would purchase the properties and develop them in a coordinated manner, much like a mini sub division and that they be developed as close to, all at one time as possible. Some of the benefits of this approach are, it would help to minimize the impact on the neighborhood if there is only one developer

instead of many, it will be easier to coordinate the development and the time period that the development is occurring in. PG&E is agreeable to this approach.

Mayor Ruane agrees that it would be best to accomplish this as a package and sooner rather than later with the least amount of impact to the neighborhood that has already been through so much.

Chuck Zelnik, Merced Drive, suggested that this item be tabled until the next meeting because the staff report wasn't available until earlier that day. He would like to purchase one of the lots but has been unable to do so because of the City's first right of refusal on the PG&E owned lots and feels that having one developer would create a cookie cutter look in the neighborhood.

City Manager Jackson clarified that the agreement between the City and PG&E for community restitution does not require the first right of refusal, it simply calls for PG&E to coordinate and collaborate with the City relative to any additional lots they would acquire and the City Manager feels that PG&E has done that.

Mayor Ruane knows that PG&E doesn't want to get involved in the land business and they are very sensitive to being in the neighborhood and just want to get this behind them. A number of scenarios have been looked at and the neighbors have been talked to. He believes a package deal and collaboration with PG&E is the best way to go. This way the City has control over design and all of the things that go into building.

Councilmember Ibarra agrees with the Mayor and feels that the neighborhood would benefit from continuity, that's what made the neighborhood so attractive before and isn't in favor of all different designs.

Vice Mayor O'Connell clarified that the people in the neighborhood have been informed of all the negotiations and it is the Council's job to help the process along and see the re-building gets done as quickly as possible and as well as possible. She understands that individuals want to purchase lots and the Council is trying to be as fair as possible. She asked if there can be detailed specifications in the RFP documents.

City Manager Jackson said yes there could be. The goal is to blend the old with the new in a way to create something that everyone will be happy with going into the future.

Councilmember Salazar said it would have been helpful to have had the staff report earlier. But he knows that we have been soliciting input from the neighborhood for a long time and the people have been able to express their opinions so he trusts that tonight's recommendation reflects the wishes of the people in the neighborhood and that it's the best thing for the neighborhood.

Councilmember Medina asked does the fact that the staff report was made available late, change any obligation or legal requirements.

City Attorney Zafferano explained that because it was an informational report and noted that because there are members of the public in attendance, they were obviously aware that the item was going to be discussed tonight, it would be up to the discretion of the Council to continue the item but there is no legal requirement to do so. He also pointed out that a number of other actions that are going to be required for this item will also come to the Council in public session.

Councilmember Medina agrees to go forward and agrees with Councilmember Salazar that there is someone up in the neighborhood getting input from the neighbors and acknowledges that this is a delicate situation and it is not going to be easy to put it back together and its not going to be possible to make everyone happy but we will do the best that we can.

Councilmember Ibarra asked for clarification as to whether PG&E is not prevented from selling these lots.

City Manager Jackson answered that they are not prevented from selling the lots, but they are required by virtue of the settlement agreement with the City, to consult and coordinate with the City and she feels that PG&E's actions are very much in the spirit of compliance with that agreement.

Councilmember Ibarra expressed concern that there may be a number of people very interested in purchasing lots and if PG&E were free to negotiate with them, it would be a mess and the City would have no control.

City Manager Jackson is aware that there are other individuals interested in purchasing lots from the City or from PG&E and that is why the City considered that strategy as an alternative and she does realize that no matter how carefully we proceed keeping the best outcome for the neighborhood and its residents, it is not possible to please everyone.

M/S O'Connell/Ibarra to move forward with the RFP process that specifies time limits and other details that were discussed earlier in the item and also that we collaborate with PG&E, and it passed with all eyes.

City Manager Jackson these homes will eventually be purchased by individuals who will live in them happily ever after in them, we hope that people continue to pay attention to this process and continue to be interested and there will be a great opportunity down the road purchase and home and participate in making this neighborhood spring back to life.

Councilmember Medina is sure that the City will do its due diligence to let the community know when these matters are coming forward.

City Manager Jackson concurred with absolute certainty.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

This item was moved to follow Item 8.

Receive Annual Report from the Citizens Crime Prevention Committee.

12. COMMENTS FROM COUNCIL MEMBERS:

Vice Mayor O'Connell reminded that April 22nd is Earth Day and also the day that stores in San Mateo County will no longer be distributing plastic bags. Also on May 4th is Operation Clean Sweep.

Councilmember Medina hopes that in the upcoming budget preparations we can find a way to re-instate some of the services that we have reduced in the past five years.

Councilmember Ibarra encouraged people to participate in Relay for Life, he is very proud of the residents, the volunteers, the business owners the City Staff and that everyone has been touched by cancer, and that Relay for Life is saving lives.

Councilmember Salazar sent well wishes to City Clerk Carol Bonner who has missed a couple of meetings because she has been out sick and we miss her and hope she is feeling better.

Mayor Ruane added that we have received numerous inquiries about Carol and that she doing much better and will hopefully be back on the job in the next two or three weeks.

13. CLOSED SESSION:

- a. Conference with Legal Counsel—Existing Litigation Pursuant to Government Code Section 54956.9(d)(1) One Case: AT&T v. City of San Bruno, San Mateo County Superior Court Case #518268.
- b. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8
Property: Parcel Nos. 019-024-220 and 019-024-240
Agency Negotiator: City Manager
Negotiating Parties: City of San Bruno and Bullis Family and Greig Family
Under Negotiation: Price and Terms of Payment

14. ADJOURNMENT:

Mayor Ruane closed the meeting at 8:38 p.m. and the Council entered into a closed session. The next regular City Council Meeting will be held on April 23, 2013 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the City Council Meeting of
April 23, 2013

Vicky Hasha, Deputy City Clerk

Jim Ruane, Mayor

04/08/13

CITY OF SAN BRUNO
WARRANT REGISTER
TOTAL FUND RECAP

FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$65,308.02
111	POLICE ASSET FORFEITURE	\$4,893.87
132	AGENCY ON AGING	\$4,969.38
190	EMERGENCY DISASTER FUND	\$893,648.69
203	STREET IMPROVE. PROJECTS	\$5,650.73
611	WATER FUND	\$37,137.03
621	STORMWATER FUND	\$128.18
631	WASTEWATER FUND	\$55,917.10
641	CABLE TV FUND	\$333,905.74
701	CENTRAL GARAGE	\$539.56
702	FACILITY MAINT. FUND	\$4,538.85
707	TECHNOLOGY DEVELOPMENT	\$13,170.68
711	SELF INSURANCE	\$6,547.87
TOTAL FOR APPROVAL		\$1,426,355.70

HONORABLE MAYOR AND CITY COUNCIL:

THIS IS TO CERTIFY THAT THE CLAIMS LISTED ON PAGES NUMBERED FROM 1 THROUGH 2 INCLUSIVE, AND/OR CLAIMS NUMBERED FROM 140876 THROUGH 140977 INCLUSIVE, TOTALING IN THE AMOUNT OF \$1,426,355.70 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

7a

4/8/2013 4:53:15PM

City of San Bruno

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0096852 ABAG PLAN CORPORATION	140876	4/8/2013	6,414.61
0017053 ACCOUNTEMPS	140878	4/8/2013	2,028.00
0018330 ADAMS CABLE EQUIPMENT, INC.	140879	4/8/2013	2,875.00
0001170 AIRGAS NCN	140880	4/8/2013	56.73
0097137 ALERT DOOR SERVICE INC	140881	4/8/2013	150.00
0018902 ALLGOOD DRIVING SCHOOL, INC.	140882	4/8/2013	60.00
0103234 ALWAYS UNDER PRESSURE	140883	4/8/2013	195.00
0017359 AMERICAN EXPRESS	140884	4/8/2013	2,513.73
0099561 AMIT GANGWANI	140920	4/8/2013	72.17
0105717 ANEESH ANANTHAKRISHNAN	140885	4/8/2013	23.00
0098805 ANKUSH BHARGAVA	140892	4/8/2013	11.99
0001202 ARAMARK UNIFORM SERVICES	140886	4/8/2013	143.80
0014617 AT&T	140887	4/8/2013	46.75
0016123 AT&T	140888	4/8/2013	1,321.84
0000345 BAKER & TAYLOR BOOKS	140890	4/8/2013	1,591.36
0015628 BAY AREA TREE CO., INC.	140891	4/8/2013	2,575.00
0105710 BRANDON HART	140926	4/8/2013	90.00
0000378 BROADMOOR LANDSCAPE SUPPLY	140894	4/8/2013	227.85
0103670 CALIFORNIA BUILDING STANDARDS COMMISSION	140963	4/8/2013	468.00
0001888 CALIFORNIA CABLE & TELECOMMUNICATIONS ASS	140965	4/8/2013	1,054.46
0017843 CENTRAL COUNTY FIRE DEPT.	140895	4/8/2013	194.62
0013965 CH BULL CO.	140896	4/8/2013	148.09
0097400 CHANG CHEN	140898	4/8/2013	11.58
0016324 CINTAS CORPORATION #464	140899	4/8/2013	174.51
0000227 CITY OF SAN BRUNO	140900	4/8/2013	418.05
0013595 CITY OF SAN BRUNO	140901	4/8/2013	875.18
0000386 CITY OF SOUTH SAN FRANCISCO	140902	4/8/2013	54,726.63
0017802 CLEANSOURCE, INC.	140903	4/8/2013	701.52
0105091 COLE SUPPLY CO., INC.	140904	4/8/2013	68.00
0018911 COMCAST CABLE COMMUNICATIONS	140905	4/8/2013	25,898.94
0104508 COMCAST SPORTSNET CALIFORNIA	140906	4/8/2013	20,991.15
0098656 COMPLETE LINEN SERVICE	140907	4/8/2013	81.93
0103230 CORELOGIC INFORMATION SOLUTIONS, INC.	140934	4/8/2013	6,240.00
0099959 CRYSTAL SPRINGS TERRACE	140908	4/8/2013	28.49
0018166 DANIELLE KRANITZ	140909	4/8/2013	195.86
0105712 DAVE DOWNING	140914	4/8/2013	200.67
0104141 DC&E	140910	4/8/2013	3,853.05
0097536 DENICE BOYER	140893	4/8/2013	48.85
0018759 DENNIS MOLLOY	140911	4/8/2013	120.00
0013926 DEPARTMENT OF CONSERVATION	140912	4/8/2013	1,195.19
0104678 DIVISION OF THE STATE ARCHITECT	140948	4/8/2013	53.40
0098094 EDWARD WALTER	140975	4/8/2013	63.86
0094282 EXPRESS PLUMBING INC.	140916	4/8/2013	1,432.00
0013683 F. FERRANDO & CO.	140917	4/8/2013	6,538.73
0013714 FIRST NATIONAL BANK	140918	4/8/2013	10,429.77
0001782 FLOWERS ELECTRIC & SVC.CO.INC.	140919	4/8/2013	4,961.50
0105715 FRANK VIZCAINO	140974	4/8/2013	28.42
0103258 GC MICRO CORPORATION	140921	4/8/2013	3,787.68
0097038 GIANG SON	140960	4/8/2013	39.32
0016969 GOLDEN IDEAS	140922	4/8/2013	1,445.68
0000162 GRAINGER	140923	4/8/2013	219.65
0017900 GREAT LAKES DATA SYSTEMS INC	140924	4/8/2013	1,850.00
0104705 HB CONSULTING GROUP	140927	4/8/2013	212,922.50

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0017882 HOME BOX OFFICE	140928	4/8/2013	1,283.37
0105378 HOME MAID RAVIOLI COMPANY INC.	140929	4/8/2013	23.15
0103336 HUB INTERNATIONAL SERVICE INC.	140931	4/8/2013	687.68
0096178 HYLAND SOFTWARE	140932	4/8/2013	3,143.00
0017880 ICE CENTER @ SAN MATEO	140933	4/8/2013	84.00
0104724 JEANETT ERRINGTON	140915	4/8/2013	302.25
0099257 JOHN ABBOTT	140877	4/8/2013	45.34
0093470 JOHN MUIR PTA	140936	4/8/2013	370.00
0104610 JOSE LUIS AND MARIA E. TOVAR	140969	4/8/2013	12,500.00
0000075 K-119 TOOLS OF CALIFORNIA INC.	140937	4/8/2013	1,268.33
0018050 KAISER FOUNDATION HEALTH PLAN	140938	4/8/2013	2,983.00
0018326 KEN HALL	140940	4/8/2013	105.00
0014262 LC ACTION POLICE SUPPLY	140941	4/8/2013	4,893.87
0104424 LIDIA'S ITALIAN DELICACIES	140942	4/8/2013	1,400.00
0016034 LINDA RUSSELL	140954	4/8/2013	430.95
0105714 LOLA INGALSBE	140935	4/8/2013	43.26
0105721 MARISA HORNE	140930	4/8/2013	115.00
0000027 MEYERS NAVE PROFESSIONAL LAW	140943	4/8/2013	640,138.22
0016863 MIDWEST TAPE, LLC	140944	4/8/2013	34.99
0014878 MOTOROLA	140945	4/8/2013	41,215.00
0000357 NATIONAL CABLE TV CO-OP, INC.	140946	4/8/2013	218,023.88
0018319 NEAL MARTIN & ASSOCIATES	140947	4/8/2013	6,030.00
0000012 PACIFIC GAS & ELECTRIC	140949	4/8/2013	32,421.57
0001154 PENINSULA LIBRARY SYSTEM	140950	4/8/2013	1,414.82
0102915 PRECISE PRINTING & MAILING	140951	4/8/2013	4,248.20
0017111 RANDOM HOUSE INC	140952	4/8/2013	81.45
0017712 RECALL SECURE DESTRUCTION SERVICES, INC.	140913	4/8/2013	67.80
0090749 RED WING SHOE STORE	140953	4/8/2013	399.98
0098073 SAUNDRA BAGDON	140889	4/8/2013	74.71
0105719 SCBA SAFETY CHECK, INC.	140955	4/8/2013	1,425.16
0099293 SHERIF HAMDY	140925	4/8/2013	18.95
0098030 SHRED-IT USA - SAN FRANCISCO	140957	4/8/2013	37.52
0001225 SIERRA PACIFIC TURF SUPPLY, INC	140958	4/8/2013	489.38
0104787 SINGER ASSOCIATES, INC.	140959	4/8/2013	27,972.94
0017339 SOUTH CITY REFRIGERATION	140961	4/8/2013	503.11
0018072 STANDARD INSURANCE COMPANY	140962	4/8/2013	12,883.66
0105716 SYLVIA KASPARINA	140939	4/8/2013	12.59
0103064 TARGET SPECIALTY PRODUCTS	140964	4/8/2013	415.31
0017928 THE EDCCO GROUP, INC.	140966	4/8/2013	18,641.01
0103559 THE MLB NETWORK, LLC	140967	4/8/2013	1,383.46
0097449 THYSSENKRUPP ELEVATOR CORP.	140968	4/8/2013	378.83
0000665 TSQ SOLUTIONS INC.	140970	4/8/2013	325.00
0001362 TV GUIDE MAGAZINE, LLC	140971	4/8/2013	243.66
0018687 TYLER TECHNOLOGIES INC.	140972	4/8/2013	366.45
0018618 UNITED SITE SERVICES INC.	140973	4/8/2013	185.10
0102865 UNIVERSAL SERVICE ADMINISTRATIVE CO.	140956	4/8/2013	3,777.52
0018385 WFCB - OSH COMMERCIAL SERVICES	140976	4/8/2013	1,252.80
0099298 WING CHAN	140897	4/8/2013	18.25
0014850 XEROX CORPORATION	140977	4/8/2013	332.07

GrandTotal: 1,426,355.70

Total count: 102

04/15/13

CITY OF SAN BRUNO
WARRANT REGISTER
TOTAL FUND RECAP

FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$482,945.63
003	ONE-TIME REVENUE	\$2,429.44
111	POLICE ASSET FORFEITURE	\$10,000.00
132	AGENCY ON AGING	\$1,546.59
190	EMERGENCY DISASTER FUND	\$26,895.84
201	PARKS AND FACILITIES CAPITAL	\$705.00
203	STREET IMPROVE. PROJECTS	\$4,152.74
611	WATER FUND	\$27,269.91
621	STORMWATER FUND	\$1,009.92
631	WASTEWATER FUND	\$10,982.12
641	CABLE TV FUND	\$33,350.91
701	CENTRAL GARAGE	\$4,445.65
702	FACILITY MAINT. FUND	\$2,230.93
707	TECHNOLOGY DEVELOPMENT	\$426.02
711	SELF INSURANCE	\$9,455.59
TOTAL FOR APPROVAL		\$617,846.29

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 140978 THROUGH 141112 INCLUSIVE, TOTALING IN THE AMOUNT OF \$617,846.29 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

4/17/13
DATE

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0017341 AARONSON DICKERSON, COHN & LANZONE	141011	4/15/2013	687.50
0096852 ABAG PLAN CORPORATION	140979	4/15/2013	4,294.05
0104680 ACCESS 24 COMMUNICATIONS INC.	140980	4/15/2013	147.80
0000858 ADECCO EMPLOYMENT SERVICES	140981	4/15/2013	2,142.88
0000163 AIRPORT AUTO PARTS INC.	140982	4/15/2013	213.21
0017459 ALL CITY MANAGEMENT SVC.INC.	140983	4/15/2013	2,232.00
0000372 ALLIED SECURITY ALARMS	140984	4/15/2013	453.00
0017298 ALLSTAR FIRE EQUIPMENT INC	140985	4/15/2013	1,064.48
0018976 ALPHA ANALYTICAL LAB. INC.	140986	4/15/2013	1,196.00
0000082 AMERICAN MESSAGING	140987	4/15/2013	94.45
0001202 ARAMARK UNIFORM SERVICES	140989	4/15/2013	30.62
0104233 ASTOUND BROADBAND	140990	4/15/2013	3,030.00
0016123 AT&T	140991	4/15/2013	1,206.21
0000345 BAKER & TAYLOR BOOKS	140992	4/15/2013	1,240.59
0018688 BEST BEST & KRIEGER LLP	140993	4/15/2013	250.00
0102737 BURKE, WILLIAMS & SORENSEN,LLP	140994	4/15/2013	2,429.44
0105324 CAINE COMPUTER CONSULTING, LLC	140995	4/15/2013	3,120.00
0105730 CASH	140978	4/12/2013	10,000.00
0017843 CENTRAL COUNTY FIRE DEPT.	140996	4/15/2013	47,796.75
0096726 CHARLOTTE LAURENTE	141053	4/15/2013	6.77
0017284 CHEMSEARCHFE	140997	4/15/2013	384.75
0105605 CHURCHWELL WHITE LLP	140998	4/15/2013	140.00
0016324 CINTAS CORPORATION #464	140999	4/15/2013	914.98
0097464 CINTAS FIRST AID & SAFETY	141000	4/15/2013	293.72
0098588 CITY OF BURLINGAME	141001	4/15/2013	3,388.50
0000227 CITY OF SAN BRUNO	141002	4/15/2013	3,066.07
0000386 CITY OF SOUTH SAN FRANCISCO	141003	4/15/2013	3,737.32
0092231 COMMUNICATIONS MANAGERS ASSN.	141004	4/15/2013	50.00
0098656 COMPLETE LINEN SERVICE	141005	4/15/2013	141.93
0015857 COUNTY OF SAN MATEO	141006	4/15/2013	152.00
0105500 CRAFT CONSTRUCTION	141007	4/15/2013	1,000.00
0102820 DEBRA HALL	141039	4/15/2013	289.00
0000197 DEMCO SUPPLY INC.	141009	4/15/2013	133.64
0018529 DENCO SALES CO.	141010	4/15/2013	183.87
0105707 DJ DESIGNS	141012	4/15/2013	132.00
0018779 DUDLEY PERKINS CO	141013	4/15/2013	97.54
0014812 ELECTRONIC INNOVATIONS INC.	141016	4/15/2013	131.69
0105356 ELIZABETH DURAN	141015	4/15/2013	705.00
0093685 ERIC JACKSON	141045	4/15/2013	21.69
0000046 EWING IRRIGATION PRODUCTS INC	141018	4/15/2013	54.12
0000944 FEDEX	141019	4/15/2013	133.42
0105023 FISHER & BAGLEY	141021	4/15/2013	1,425.00
0001782 FLOWERS ELECTRIC & SVC.CO.INC.	141022	4/15/2013	1,913.57
0105636 FORD LIGHT INC.	141023	4/15/2013	4,152.74
0102869 FRANCHISE TAX BOARD	141024	4/15/2013	550.00
0096775 GENE FORD COMPANY, INC.	141026	4/15/2013	396.01
0096932 GENESIS EMPLOYEE BENEFITS, INC	141027	4/15/2013	252.00
0097163 GEORGE JANG	141046	4/15/2013	58.00
0101737 GEORGE SAHOURIEH	141087	4/15/2013	875.00
0095666 GLOBAL TELECOM & TECHNOLOGY	141031	4/15/2013	4,061.80
0017983 GLORIA DEETER	141032	4/15/2013	500.00
0016969 GOLDEN IDEAS	141033	4/15/2013	226.00
0001137 GOLDEN NURSERY	141034	4/15/2013	409.77

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0000162 GRAINGER	141035	4/15/2013	1,190.79
0000541 GRANITE ROCK COMPANY	141036	4/15/2013	2,414.46
0095966 GREATAMERICA FINANCIAL SVCS.	141037	4/15/2013	404.33
0105378 HOME MAID RAVIOLI COMPANY INC.	141041	4/15/2013	104.50
0018838 INFOSEND, INC.	141042	4/15/2013	4,318.12
0017150 INSTRUMENT TECHNOLOGY CORP.	141043	4/15/2013	119.00
0015531 INTERSTATE BATTERY SYS. OF SF	141044	4/15/2013	179.25
0101992 JAMES HAGGARTY	141038	4/15/2013	92.00
0098964 JARVIS,FAY,DOPORTO&GIBSON, LLP	141047	4/15/2013	13,380.00
0018376 JT2 INTEGRATED RESOURCES	141048	4/15/2013	5,161.54
0000075 K-119 TOOLS OF CALIFORNIA INC.	141049	4/15/2013	455.85
0100117 KATHERINE MACARILAY	141056	4/15/2013	30.70
0000132 KELLY-MOORE PAINT CO INC.	141050	4/15/2013	507.94
0018561 LANCE BAYER	141052	4/15/2013	1,350.00
0098421 LAURA GARCIA	141025	4/15/2013	50.96
0099317 LAURA GLEAVES	141030	4/15/2013	276.00
0091101 LIEBERT CASSIDY WHITMORE	141054	4/15/2013	224.00
0098572 LISA CROCKER	141008	4/15/2013	62.70
0098244 LORI WILSON	141108	4/15/2013	15.00
0018177 LOWE'S	141055	4/15/2013	1,054.48
0100994 LUCAS NIHLEN	141062	4/15/2013	29.39
0099968 MADELINE VEGA	141103	4/15/2013	30.00
0095648 MARILYN GEORGE	141028	4/15/2013	17.07
0102770 METLIFE	141057	4/15/2013	1,205.08
0018670 METROPCS WIRELESS, INC.	141058	4/15/2013	300.00
0105726 MICHAEL SPARLING	141093	4/15/2013	38.65
0000333 MOSS RUBBER & EQUIP. CORP.	141059	4/15/2013	463.80
0097142 MYERS TIRE-OAKLAND #17	141060	4/15/2013	47.53
0098650 NANDA RAI	141081	4/15/2013	276.00
0105725 NATIONAL ACADEMY OF ATHLETICS	141061	4/15/2013	1,367.60
0100141 NECITAS ROMO	141086	4/15/2013	14.58
0105722 NORBERT DULEK	141014	4/15/2013	38.00
0105238 NORTHERN SERVICES INC.	141063	4/15/2013	1,105.00
0018157 OCLC INC	141064	4/15/2013	320.63
0092263 OFFICE DEPOT INC	141065	4/15/2013	1,581.89
0018284 OFFICEMAX INC.	141066	4/15/2013	120.74
0105280 OLD CASTLE PRECAST INC.	141067	4/15/2013	1,231.05
0000210 OLE'S CARBURETOR &ELECTRIC INC	141068	4/15/2013	2,087.11
0097567 ONE HOUR DRY CLEANING	141069	4/15/2013	112.50
0018701 ORKIN INC.	141070	4/15/2013	594.08
0000012 PACIFIC GAS & ELECTRIC	141071	4/15/2013	5,944.16
0000101 PACIFIC NURSERIES	141072	4/15/2013	186.39
0097159 PATRICK ANDERSON	140988	4/15/2013	24.21
0097423 PEGGY FERRIS	141020	4/15/2013	38.00
0001327 PENINSULA PUMP & EQUIPMENT INC	141073	4/15/2013	2,346.64
0099354 PHYLLIS GIVENS	141029	4/15/2013	27.27
0018861 PITNEY BOWES	141074	4/15/2013	6,000.00
0104960 POWER SYSTEMS DESIGN	141075	4/15/2013	25,000.00
0102915 PRECISE PRINTING & MAILING	141076	4/15/2013	761.85
0098763 PRIYA SASTRY	141090	4/15/2013	25.37
0102563 PROPET DISTRIBUTORS, INC.	141077	4/15/2013	488.35
0097558 PURCHASE POWER	141078	4/15/2013	200.00
0013981 QUILL CORPORATION	141079	4/15/2013	43.89
0000071 R & B COMPANY	141080	4/15/2013	3,704.39

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount	
0017111	RANDOM HOUSE INC	141082	4/15/2013	32.70
0095969	RAUL & TERESA HERNANDEZ	141040	4/15/2013	276.00
0096541	RDJ SPECIALTIES INC	141083	4/15/2013	32.59
0000229	REEVES CO., INC.	141084	4/15/2013	27.22
0016729	RICOH AMERICAS CORPORATION	141085	4/15/2013	417.01
0105696	SAMPLE TRAPS, LLC	141088	4/15/2013	684.00
0099047	SAN MATEO CTY SHERIFF'S OFFICE	141089	4/15/2013	9,475.82
0099578	SCHUYLER KO	141051	4/15/2013	11.18
0018461	SERRAMONTE FORD, INC.	141091	4/15/2013	570.22
0018962	SHOE DEPOT INC.	141092	4/15/2013	73.22
0097079	SPRINT	141094	4/15/2013	1,108.83
0000289	SUN VALLEY DAIRY PRODUCTS	141095	4/15/2013	1,442.09
0000431	TEAMSTERS LOCAL #856	141096	4/15/2013	351,486.00
0002025	TELECOMMUNICATIONS ENGINEERING ASSOCIATE	141017	4/15/2013	324.00
0017527	TIFCO INDUSTRIES INC.	141097	4/15/2013	97.45
0018818	TOSHIBA BUSINESS SOLUTIONS CA	141098	4/15/2013	533.81
0102744	UNIVERSAL BUILDING SERVICES	141099	4/15/2013	326.00
0097250	UNIVERSAL LICENSING SERVICE	141100	4/15/2013	95.00
0000584	USA MOBILITY WIRELESS INC.	141101	4/15/2013	33.15
0102988	VANTAGEPOINT TRANSFER AGENTS	141102	4/15/2013	8,164.82
0098917	VOLIKOS ENTERPRISES	141104	4/15/2013	2,144.65
0104660	WEST YOST ASSOCIATES, INC.	141105	4/15/2013	14,775.62
0000612	WESTVALLEY CONSTRUCTION CO.INC	141106	4/15/2013	1,164.21
0018385	WFCB - OSH COMMERCIAL SERVICES	141107	4/15/2013	311.77
0105295	WINGFOOT COMMERCIAL TIRE	141109	4/15/2013	105.80
0013841	WITMER-TYSON IMPORTS INC	141110	4/15/2013	500.00
0102630	XO COMMUNICATIONS, LLC	141111	4/15/2013	2,836.91
0104033	ZCORUM, INC.	141112	4/15/2013	22,026.50
	GrandTotal:			617,846.29
	Total count:			135



City Council Agenda Item
Staff Report

CITY OF SAN BRUNO

DATE: April 23, 2013
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 April 12, 2013 is recommended. The Labor Summary report reflecting the total payroll amount of \$1,268,340.80 for the bi-weekly pay period ending April 7, 2013 is attached.

LABOR SUMMARY FOR PAY PERIOD ENDING : April 7, 2013

pyLaborDist

04/12/13

Fund: 001 - GENERAL FUND	973,168.19
Fund: 122 - SOLID WASTE/RECYCL.	1,363.99
Fund: 153 -RDA OBLIGATION RETIREMENT FUND	5,986.38
Fund: 190 - EMERGENCY DISASTER FUND	18,300.55
Fund: 201 - PARKS AND FACILITIES CAPITAL	792.89
Fund: 207 - TECHNOLOGY CAPITAL	1,417.33
Fund: 203 - STREET IMPROVE. PROJECTS	1,660.28
Fund: 611 - WATER FUND	69,418.72
Fund: 621 - STORMWATER FUND	12,919.55
Fund: 631 - WASTEWATER FUND	51,045.00
Fund: 641 - CABLE TV FUND	84,803.85
Fund: 701 - CENTRAL GARAGE	9,564.82
Fund: 702 - FACILITY MAINT.FUND	21,674.33
Fund: 707 - TECHNOLOGY DEVELOPMENT	9,737.54
Fund: 711 - SELF INSURANCE	6,487.38

Total

\$1,268,340.80



John E. Marty
City Treasurer

CITY OF SAN BRUNO
CITY TREASURER

RECONCILIATION OF GENERAL LEDGER TO BANK

MONTH ENDING MARCH 2013

City of San Bruno Cash

City of San Bruno General Ledger

Investment Balance	\$ 43,986,344.03
Glenview Fire LAIF	3,027,560.78
Checking	2,526,201.72
Police Checking	7,282.95
Glenview Fire Recovery	4,747.50
Glenview Counseling Assist	16,056.00
Successor Agency of SB RDA	405,018.41
Successor Housing Agency	782,124.77
City of SB as Custodian - WFB	68,757,744.30

Bank Balances as of 1/31/13 119,513,080.46

General Ledger Balance \$ 118,799,383.44

Outstanding checks \$ (896,521.46)

FNB Deposit Transit	26,793.25
FNB Deposit Transit	10,849.25
FNB Deposit Transit	45,795.94
FNB Deposit Transit	18,540.38
Finance CC	1,656.00
Finance CC	330.00
Library CC	132.93
CATV Merchant Bankcard CC	22,149.01
Utility Online Billpay - ACH	1,868.50
Utility Online Billpay - ACH	2,543.29
Utility Online Billpay - ACH	5,400.44
Utility Online Billpay - CC	6,713.34
Utility Online Billpay - CC	5,101.98
Utility Online Billpay - CC	12,789.86
Utility Online Billpay - VISA	21,951.66

CATV customer dispute -208.61

Adjusted Balance \$ 118,799,174.83

Adjusted Balance \$ 118,799,174.83

7c



John E. Marty
City Treasurer

CITY OF SAN BRUNO
CITY TREASURER

INVESTMENT REPORT

Month ending March 2013

INVESTMENTS				YIELD
INVESTMENT POOLS				
Local Agency Investment Fund	12,233,339.81			0.285
Glenview Fire LAIF	3,027,560.78			0.285
San Mateo County Pool	20,672,645.41			0.750
INVESTMENTS HELD AT UNION BANK				
	PAR VALUE	COST BASIS	MKT. VALUE	YIELD
Federal home Loan Mtg 0.375 mat 10/30/13	\$ 2,000,000.00	\$ 2,003,356.08	\$ 2,002,400.00	0.370
Federal Farm Credit Bank 0.20% mat 12/3/13	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,000,200.00	0.200
Federal Farm Credit Bank 0.20 mat 2/26/14	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,000,180.00	0.200
Federal Farm Credit Bank 0.25% MAT 4/4/14	\$ 1,000,000.00	\$ 1,000,399.00	\$ 1,000,588.00	0.250
Federal Home Loan Bank 1.42 mat 5/30/14	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,014,080.00	1.400
Federal Farm Credit Bank 0.50% mat 11/5/15	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,001,380.00	0.500
Federal Natl Mtg Assoc mat 12/26/2017	\$ 2,000,000.00	\$ 2,000,000.00	\$ 2,002,120.00	0.700

Federal Home Loan Bank 1.00% mat 12/27/17	\$ 1,000,000.00	\$ 1,000,000.00	\$ 997,940.00	1.000
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US Govt Money Market	\$ 1,076,603.73	\$ 1,076,603.73	\$ 1,076,603.73	0.000
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INVESTMENTS HELD AT WELLS FARGO BANK

City of San Bruno as Temporary Custodian	68,757,744.30			0.142
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TOTAL	\$115,767,894.03			
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4/11/2013 2:12:37PM

City of San Bruno

Through period: 9

Through March 2013

		Cash	Investments	Fund Total
001	GENERAL FUND	3,288,073.18	53,643.42	3,341,716.60
002	GENERAL FUND RESERVE	2,902,946.11	0.00	2,902,946.11
003	ONE-TIME REVENUE	4,599,327.14	0.00	4,599,327.14
101	GAS TAX	573,669.49	0.00	573,669.49
102	MEASURE A TRANSPORTATION TAX	962,837.20	0.00	962,837.20
103	STREET SPECIAL REVENUE	307,374.09	0.00	307,374.09
104	TRAFFIC CONGESTION RELIEF	0.00	0.00	0.00
111	POLICE ASSET FORFEITURE	60,726.79	0.00	60,726.79
112	SAFETY AUGMENT. -PROP.172	31,092.67	0.00	31,092.67
113	POLICE SPECIAL REVENUE	43,007.12	0.00	43,007.12
114	TRAFFIC SAFETY GRANT	62,582.16	0.00	62,582.16
121	FEDERAL/STATE GRANTS	52,311.91 CR	0.00	52,311.91 CR
122	SOLID WASTE/RECYCL.	216,488.66	0.00	216,488.66
123	LIBRARY SPECIAL REVENUE	280,600.41	0.00	280,600.41
131	IN-LIEU FEES	3,631,612.64	0.00	3,631,612.64
132	AGENCY ON AGING	42,018.68	0.00	42,018.68
133	RESTRICTED DONATIONS	1,006,824.89	0.00	1,006,824.89
134	ED JOHNSON BEQUEST FUND	25,382.26	0.00	25,382.26
135	GLENVIEW FIRE DONATIONS	4,747.50	0.00	4,747.50
136	PGE	3,027,560.78	0.00	3,027,560.78
151	SUCCESSOR AGENCY TO THE SB RDA - OPS	0.00	0.00	0.00
152	CITY OF SB AS SUCCESSOR HOUSING AGENCY	0.00	0.00	0.00
153	RDA OBLIGATION RETIREMENT FUND	2,105,794.85	649,964.68	2,755,759.53
190	EMERGENCY DISASTER FUND	3,731,455.14 CR	0.00	3,731,455.14 CR
201	PARKS AND FACILITIES CAPITAL	164,763.88	0.00	164,763.88
203	STREET IMPROVE. PROJECTS	3,227,522.27	0.00	3,227,522.27
207	TECHNOLOGY CAPITAL	229,988.78	0.00	229,988.78
251	SUCCESSOR AGENCY TO THE SB RDA - CAPITAL	0.00	0.00	0.00
302	LEASE DEBT SERVICE	15.42	2.94	18.36
351	SUCCESSOR AGENCY TO THE SB RDA -2000 COP	0.00	0.00	0.00
611	WATER FUND	13,111,158.67	0.00	13,111,158.67
621	STORMWATER FUND	1,106,217.87	0.00	1,106,217.87
631	WASTEWATER FUND	8,017,457.08	629,720.11	8,647,177.19
641	CABLE TV FUND	3,216,622.04 CR	200.00	3,216,422.04 CR
701	CENTRAL GARAGE	493,995.30	0.00	493,995.30
702	FACILITY MAINT.FUND	950,949.57	0.00	950,949.57
703	GENERAL EQUIPMENT REVOLVING	3,599,874.64	0.00	3,599,874.64
707	TECHNOLOGY DEVELOPMENT	362,417.70	0.00	362,417.70
711	SELF INSURANCE	2,176,384.68	91,118.50	2,267,503.18
870	CRESTMoor GLENVIEW RESTITUTION FUND	68,757,744.30	0.00	68,757,744.30
880	PROJECT DEVELOP. TRUST	102,436.05	0.00	102,436.05
891	S.B. GARBAGE CO. TRUST	326,179.70	0.00	326,179.70
	Grand Total:	118,799,383.44	1,424,649.65	120,224,033.09

Revenue Status Report

City of San Bruno
 3/1/2013 through 3/31/2013

Account Number	Adjusted Estimate	Revenues	Year-to-date Revenues	Balance	Prct Rcvd
Total GENERAL FUND	33,268,921.61	1,705,551.81	22,154,344.50	11,114,577.11	66.59
Total GENERAL FUND RESERVE	0.00	0.00	0.00	0.00	0.00
Total ONE-TIME REVENUE	457,000.00	0.00	1,133,665.01	-676,565.01	248.07
Total GAS TAX	1,189,432.00	118,201.93	714,809.79	474,622.21	60.10
Total MEASURE A TRANSPORTATION TAX	701,763.00	71,397.70	635,340.18	66,422.82	90.53
Total STREET SPECIAL REVENUE	772.00	0.00	464.00	308.00	60.10
Total TRAFFIC CONGESTION RELIEF	0.00	0.00	0.00	0.00	0.00
Total POLICE ASSET FORFEITURE	5,160.00	0.00	2,630.67	2,529.33	50.98
Total SAFETY AUGMENT. -PROP.172	86,115.00	7,519.27	79,885.89	6,229.11	92.77
Total POLICE SPECIAL REVENUE	100,029.00	22,116.94	44,558.96	55,470.04	44.55
Total TRAFFIC SAFETY GRANT	148.00	1,747.43	1,876.03	-1,728.03	1257.59
Total FEDERAL/STATE GRANTS	109.00	0.00	18,086.90	-17,977.90	16593.49
Total SOLID WASTE/RECYCL	68,814.00	5,081.04	50,214.50	18,599.50	72.97

Revenue Status Report

City of San Bruno
 3/1/2013 through 3/31/2013

Account Number	Adjusted Estimate	Revenues	Year-to-date Revenues	Balance	Prc't Rcvd
Total LIBRARY SPECIAL REVENUE	1,065.00	0.00	1,289.93	-224.93	121.12
Total IN-LIEU FEES	764,751.00	0.00	127,304.75	637,446.25	16.65
Total AGENCY ON AGING	173,418.00	7,604.99	109,245.70	64,172.30	63.00
Total RESTRICTED DONATIONS	111,270.00	10,701.76	113,067.00	-1,797.00	101.61
Total ED JOHNSON BEQUEST FUND	64.00	0.00	80.89	-16.89	126.39
Total GLENVIEW FIRE DONATIONS	0.00	2.34	7.12	-7.12	0.00
Total PGE	0.00	0.00	5,152.53	-5,152.53	0.00
Total SUCCESSOR AGENCY TO THE SB RDA - OPS	0.00	0.00	0.00	0.00	0.00
Total CITY OF SB AS SUCCESSOR HOUSING AGENCY	0.00	0.00	0.00	0.00	0.00
Total RDA OBLIGATION RETIREMENT FUND	250,000.00	2.18	817,185.18	-567,185.18	326.87
Total EMERGENCY DISASTER FUND	5,368,158.00	0.00	243,130.78	5,125,028.22	4.53
Total PARKS AND FACILITIES CAPITAL	195,258.00	315,886.76	513,997.69	-318,739.69	263.24

Revenue Status Report

City of San Bruno
 3/1/2013 through 3/31/2013

Account Number	Adjusted Estimate	Revenues	Year-to-date Revenues	Balance	Prc't Rcv'd
Total STREET IMPROVE. PROJECTS	2,212,097.00	829,177.47	2,438,928.88	-226,831.88	110.25
Total TECHNOLOGY CAPITAL	203,680.00	0.00	204,262.21	-582.21	100.29
Total SUCCESSOR AGENCY TO THE SB RDA- CAPITAL	0.00	0.00	0.00	0.00	0.00
Total LEASE DEBT SERVICE	686,856.00	398,367.50	436,873.85	249,982.15	63.60
Total SUCCESSOR AGENCY TO THE SB RDA-2000 COP	0.00	0.00	0.00	0.00	0.00
Total WATER FUND	11,152,000.00	933,356.45	7,901,867.87	3,250,132.13	70.86
Total STORMWATER FUND	589,500.00	28,866.19	387,295.28	212,204.72	64.60
Total WASTEWATER FUND	12,044,000.00	1,053,936.36	8,186,636.63	3,867,363.37	67.97
Total CABLE TV FUND	10,036,180.00	807,611.86	7,243,873.90	2,792,306.10	72.18
Total CENTRAL GARAGE	625,056.00	52,089.00	469,364.00	155,692.00	75.09
Total FACILITY MAINT.FUND	681,655.00	73,471.00	661,445.64	220,209.36	75.02
Total GENERAL EQUIPMENT REVOLVING	430,587.00	36,882.00	322,938.00	107,649.00	75.00
Total TECHNOLOGY DEVELOPMENT	512,652.26	40,369.00	389,721.00	122,931.26	76.02

Revenue Status Report

City of San Bruno
 3/1/2013 through 3/31/2013

<i>Account Number</i>	<i>Adjusted Estimate</i>	<i>Revenues</i>	<i>Year-to-date Revenues</i>	<i>Balance</i>	<i>Prct Rcvd</i>
Total SELF INSURANCE	1,762,477.00	134,290.00	1,208,610.00	553,867.00	68.57
Grand Total	83,888,988.87	6,654,220.98	56,618,155.26	27,270,833.61	67.49

Expenditure Status Report
 City of San Bruno
 3/1/2013 through 3/31/2013

Account Number	Adjusted Appropriation	Expenditures	Year-to-date Expenditures	Year-to-date Encumbrances	Balance	Prc't Used
Total GENERAL FUND	33,350,246.67	2,563,352.78	24,573,162.93	77,594.72	8,699,469.02	73.91
Total GENERAL FUND RESERVE	123,500.00	0.00	123,500.00	0.00	0.00	100.00
Total ONE-TIME REVENUE	2,240,565.00	612,921.50	2,071,485.83	0.00	169,079.17	92.45
Total GAS TAX	1,572,500.00	29,285.00	1,318,570.00	0.00	253,930.00	83.85
Total MEASURE A TRANSPORTATION TAX	782,500.00	0.00	782,500.00	0.00	0.00	100.00
Total TRAFFIC CONGESTION RELIEF	0.00	0.00	0.00	0.00	0.00	0.00
Total POLICE ASSET FORFEITURE	16,500.00	4,893.87	14,952.66	0.00	1,547.34	90.62
Total SAFETY AUGMENT. -PROP.172	86,000.00	0.00	60,070.00	0.00	25,930.00	69.85
Total POLICE SPECIAL REVENUE	100,000.00	0.00	22,410.00	0.00	77,590.00	22.41
Total TRAFFIC SAFETY GRANT	0.00	0.00	0.00	0.00	0.00	0.00
Total FEDERAL/STATE GRANTS	720.07	0.00	0.00	720.07	0.00	100.00
Total SOLID WASTE/RECYCL.	71,716.00	2,889.99	19,434.27	0.00	52,281.73	27.10
Total LIBRARY SPECIAL REVENUE	99,000.00	3,250.00	89,250.00	0.00	9,750.00	90.15
Total IN-LIEU FEES	43,500.00	30,000.00	30,000.00	0.00	13,500.00	68.97
Total AGENCY ON AGING	123,258.00	11,297.71	76,564.44	0.00	46,693.56	62.12
Total RESTRICTED DONATIONS	128,479.00	48.94	46,947.41	0.00	81,531.59	36.54
Total ED JOHNSON BEQUEST FUND	0.00	0.00	0.00	0.00	0.00	0.00
Total GLENVIEW FIRE DONATIONS	0.00	0.00	0.00	0.00	0.00	0.00
Total PGE	0.00	0.00	0.00	0.00	0.00	0.00
Total SUCCESSOR AGENCY TO THE SB RDA-- OPS	0.00	0.00	0.00	0.00	0.00	0.00
Total CITY OF SB AS SUCCESSOR HOUSING AGENCY	0.00	-2,482,666.00	0.00	0.00	-2,064,985.67	288.79
Total RDA OBLIGATION RETIREMENT FUND	1,093,809.00	2,899,031.00	3,154,334.21	4,460.46	9,122,362.58	38.50
Total EMERGENCY DISASTER FUND	15,078,080.49	119,191.44	3,475,890.09	2,479,827.82	1,157,540.09	50.49
Total PARKS AND FACILITIES CAPITAL	2,337,756.70	838.23	1,050,043.13	130,173.48	5,269,057.94	12.48
Total STREET IMPROVE. PROJECTS	6,020,287.08	18,653.85	697,933.21	53,295.93	245,983.16	17.98
Total TECHNOLOGY CAPITAL	299,900.26	4,428.42	53,917.10	0.00	0.00	0.00
Total SUCCESSOR AGENCY TO THE SB RDA-- CAPITAL	0.00	0.00	0.00	0.00	0.00	0.00
Total LEASE DEBT SERVICE	686,856.00	-250,000.00	436,855.49	0.00	250,000.51	63.60

Expenditure Status Report

City of San Bruno
 3/1/2013 through 3/31/2013

Account Number	Adjusted Appropriation	Expenditures	Year-to-date Expenditures	Year-to-date Encumbrances	Balance	Prct Used
Total SUCCESSOR AGENCY TO THE SB RDA-2000 COP	0.00	0.00	0.00	0.00	0.00	0.00
Total WATER FUND	16,279,677.73	776,216.65	6,167,522.27	1,383,985.85	8,728,169.61	46.39
Total STORMWATER FUND	1,298,508.65	38,847.50	697,316.06	47,642.61	553,549.98	57.37
Total WASTEWATER FUND	12,362,824.83	406,601.04	4,764,259.12	841,302.89	6,757,262.82	45.34
Total CABLE TV FUND	10,340,005.28	871,720.70	6,942,771.46	1,198,211.07	2,199,022.75	78.73
Total CENTRAL GARAGE	626,316.00	35,658.84	425,027.33	0.00	201,288.67	67.86
Total FACILITY MAINT.FUND	887,111.00	71,923.72	681,148.11	0.00	205,962.89	76.78
Total GENERAL EQUIPMENT REVOLVING	308,554.70	43,475.11	130,027.29	41,304.13	137,223.28	55.53
Total TECHNOLOGY DEVELOPMENT	678,406.26	45,215.19	528,162.43	1,549.06	147,694.77	78.23
Total SELF INSURANCE	1,770,578.00	73,510.14	1,225,601.27	0.00	544,976.73	69.22
Grand Total	108,807,156.72	5,330,585.62	59,660,676.11	6,260,068.09	42,886,412.52	60.58



**City Council Agenda Item
Staff Report**

CITY OF SAN BRUNO

DATE: April 23, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Marc Zafferano, City Attorney
Neil Telford, Police Chief

SUBJECT: Waive Second Reading and Adopt Ordinance Repealing Chapter 6.08 (Discharge of Firearms) of the Municipal Code and Adding New Chapter 6.08 (Firearms) to the Municipal Code to Establish Police Permit System for New Firearms Dealers

BACKGROUND:

On February 26, 2013, and again on March 26, 2013, the City Council discussed and considered implementing a police permit system for new firearms dealers. On April 9, 2013, the City Council held a public hearing to consider introduction of an ordinance that would repeal Chapter 6.08 of the Municipal Code and add a new Chapter 6.08 to establish a police permit system for new firearms dealers. After considering the staff report and public testimony, the City Council introduced the ordinance. The ordinance, as presented at the April 9 meeting, is now offered for adoption.

DISCUSSION:

At the April 9, 2013 meeting, staff identified several changes to the proposed ordinance that were made after the March 26 meeting:

- Section 6.08.070(H)(1), restricting new firearms dealers to the M-1 zone, is clarified to apply after the zoning code and general plan amendments become effective;
- Section 6.08.070(H)(2), imposing a 250' proximity limit between firearms dealers and residential districts, is clarified to also apply to residential uses in the M-1 district;
- Section 6.08.070(L) is added to authorize the chief of police to establish hours of operation;
- Section 6.08.110(C) clarifies that the purpose of the ordinance is to protect the safety and security of the occupants of the establishment, its patrons, and the public;
- Section 6.08.170(C) clarifies that a safe room for firearms can be required if necessary.

In response to questions from the City Council about firearms sales from homes, staff noted that the ordinance would prohibit firearms dealers from operating in residential districts, continuing the current zoning code prohibition that restricts gun dealers to the CBD zoning district. Regarding regulation of firearms sales on the Internet and at gun shows, staff noted that these issues are currently being debated in Congress and may become part of future federal legislation.

7d

FISCAL IMPACT:

There is no fiscal impact to adopting the Municipal Code amendments. The police permit system will include an application fee sufficient to cover staff investigation and implementation costs.

ALTERNATIVES:

1. Request modifications to the ordinance before adoption; if the modifications are substantive, the ordinance would have to be re-introduced.
2. Direct staff to discontinue analysis of this item.

RECOMMENDATION:

Waive Second Reading and Adopt Ordinance Repealing Chapter 6.08 (Discharge of Firearms) of the Municipal Code and Adding New Chapter 6.08 (Firearms) to the Municipal Code to Establish Police Permit System for New Firearms Dealers

DISTRIBUTION:

None.

ATTACHMENTS:

1. Ordinance Repealing and Amending the Municipal Code to Establish Police Permit System for New Firearms Dealers

DATE PREPARED:

April 10, 2013

REVIEWED BY:

_____ CM

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN BRUNO
REPEALING CHAPTER 6.08, DISCHARGE OF FIREARMS, AND
ADDING NEW CHAPTER 6.08, FIREARMS, TO TITLE 6 (PUBLIC PEACE, MORALS
AND WELFARE) OF THE SAN BRUNO MUNICIPAL CODE**

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

Section 1. Chapter 6.08, Discharge of Firearms, of Title 6 (Public Peace, Morals and Welfare) is hereby rescinded.

Section 2. New Chapter 6.08, Firearms, of Title 6 (Public Peace, Morals and Welfare) is hereby added to read as follows:

Chapter 6.08

FIREARMS

Article 1. Use of Firearms

Sections:

- | | |
|----------|--|
| 6.08.010 | Definitions. |
| 6.08.020 | Unlawful to discharge firearm within the city. |
| 6.08.030 | Exceptions to prohibition of Section 6.08.020. |

Article 2. Firearms Dealers

Sections:

- | | |
|----------|--|
| 6.08.040 | Permit required. |
| 6.08.050 | Application – Form, fees. |
| 6.08.060 | Application -- Investigation. |
| 6.08.070 | Application – Denial. |
| 6.08.080 | Permit – Form. |
| 6.08.090 | Permit – Duration, renewal. |
| 6.08.100 | Permit – Assignment. |
| 6.08.110 | Permit – Conditions. |
| 6.08.120 | Permit – Grounds for revocation. |
| 6.08.130 | Liability insurance. |
| 6.08.140 | Hearing for permit denial or revocation. |
| 6.08.150 | Authority to inspect. |
| 6.08.160 | Compliance. |
| 6.08.170 | Business and security regulations. |
| 6.08.180 | Nonconforming use. |
| 6.08.190 | Penalty. |
| 6.08.200 | Severability. |

Article 1. Use of Firearms

6.08.010 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- A. "Chief of police" means the chief of police or his or her designee.
- B. "City" means the city of San Bruno.
- C. "Firearm" means a firearm as defined by Section 6.04.070 and also includes any device defined as a firearm by the California Penal Code as said definition now reads or may hereafter be amended to read.
- D. "Firearms dealer" means a person engaged in the business of selling, transferring, or leasing, or offering or exposing for sale, transfer, or lease, any firearm.
- E. "Firearm sales" means the sale, transfer, lease, offer, or registration for sale, of a firearm, which includes a gun, pistol, revolver, shotgun, rifle or any device designed to be used as a weapon from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion.
- F. "Department" means the California Department of Justice.
- G. "Engaged in the business" means the conduct of a business by the selling, transferring, or leasing of any firearm; or the preparation for such conduct of business as evidenced by the securing of applicable federal or state licenses; or the holding of one's self out as engaged in the business of selling, transferring, or leasing of any firearm; or the selling, transferring, or leasing of any firearms in quantity, in series or in individual transactions, or in any other manner indicative of trade.
- H. "Police permit" or "permit" means that permit required under this chapter.
- I. "Person" means natural person, individual, association, partnership, co-partnership, firm, joint stock company, corporation, or combination of individuals of whatever form or character.

6.08.020 Unlawful to discharge firearm within the city.

No person may fire or discharge a firearm, as defined by Section 6.08.010(C), within the city, nor may a parent, guardian or person having the care, custody or control of a minor permit the minor to fire or discharge a firearm within the city.

6.08.030 Exceptions to prohibition of Section 6.08.020.

Section 6.08.020 does not apply to the use of a firearm by:

- A. A peace officer or person in the military service in the discharge of his or her duties;
- B. A person using a firearm in the defense of their person or the life of another person or in defense of his livestock or domestic animal or his property, to the extent authorized by law.

Article 2. Firearms Dealers

6.08.040 Permit required.

No person shall engage in the business of selling, transferring or leasing, or offering or exposing for sale, transfer or lease within this city any firearm unless that person has been issued a permit pursuant to the provisions of this chapter.

- A. Except as provided in Penal Code § 26700, as it may be amended from time to time, and in Section 6.08.180, it is unlawful for a person to engage in the activity of "firearm sales" as that term is defined under Section 6.08.010(E) without a police permit as required by this chapter.
- B. The requirement for a police permit is in addition to any requirement imposed by the city's zoning code.

6.08.050 Application – Form, fees.

A. An applicant for a permit under this chapter shall file with the chief of police a sworn application in writing, on a form to be furnished by the city, and the applicant and officers, employees, and agents thereof shall be photographed and fingerprinted by the chief of police. The applicant shall provide all information requested, including proof of compliance with all applicable federal, state, and local laws when required by the chief of police, or the application will not be deemed complete. A nonrefundable fee as set forth in the municipal fee schedule shall accompany the application.

B. Any person proposing to engage in business as a firearms dealer within this city shall secure the applicable federal license and shall have thirty (30) calendar days after approval of such federal license to apply for a police permit in compliance with the provision of this chapter and shall not engage in the business as a firearms dealer within the city until the police permit is issued, as well as comply with all other applicable local, state, and federal requirements.

6.08.060 Application -- Investigation.

The chief of police shall conduct an appropriate investigation of the applicant to determine for the protection of the public safety whether the permit may be issued. The chief of police may require an applicant, or any officer, agent, or employee thereof, to provide fingerprints, a recent photograph, a signed authorization for the release of pertinent records, a complete personal history set forth on a questionnaire provided by the chief of police, and any other additional information which the chief of police considers necessary to complete the investigation.

6.08.070 Application – Denial.

The chief of police shall issue a police permit to an applicant unless he or she finds any of the following:

A. The applicant, or an officer, employee, or agent thereof is under the age of twenty-one years;

B. The applicant is not licensed as required by all applicable federal, state, and local laws;

C. The applicant, or an officer, employee, or agent thereof has had a similar type of permit previously revoked or denied for good cause within the immediately preceding year;

D. The applicant, or an officer, employee, or agent thereof has knowingly made any false or misleading statement of a material fact or omission of a material fact in the application for a permit;

E. The applicant, or an officer, employee, or agent thereof has been convicted of:

1. Any offense so as to disqualify the applicant, or an officer, employee, or agent thereof from owning or possessing a firearm under applicable federal, state, and local laws,

2. Any offense relating to the manufacture, sale, possession, use, or registration of any firearm or dangerous or deadly weapon,

3. Any offense involving the use of force or violence upon the person of another,

4. Any offense involving theft, fraud, dishonesty, or deceit,

5. Any offense involving the manufacture, sale, possession, or use of any controlled substance as defined by the California Health and Safety Code as said definition now reads or may hereafter be amended to read;

F. The applicant, or an officer, employee, or agent thereof is an unlawful user of any controlled substance as defined by the California Health and Safety Code as said definition now reads or may hereafter be amended to read;

G. The operation of the business as proposed will not comply with all applicable federal, state, and local laws;

H. The business as proposed will not be operated in the following locations:

1. Following adoption of applicable zoning code and general plan amendments, within a zoning district other than the area of the M-1 Industrial District shown on the city's zoning map bounded by Tanforan Avenue to the north, Montgomery Avenue to the west, Hermosa Street to the south, and San Mateo Avenue to the east,

2. Within a zoning district in which residential use is the principal permitted or maintained use, or within two hundred fifty (250) feet of the exterior limits of any such district, or within two hundred fifty (250) feet of any existing residential use,

3. On or within two hundred fifty (250) feet of the exterior limits of any other premises occupied by a public or private day care center or day care home, elementary school, junior high school, high school, or park,

4. On or within one thousand two-hundred (1,200) feet of the exterior limits of any other premises occupied by a firearms dealer, a cardroom, a massage establishment, an adult entertainment establishment, or a hot tub/sauna establishment. Priority between such existing establishments shall be assigned in accordance with the dates upon which such establishments commenced such lawful operation, priority being given to the establishment having the earliest of such dates. In the event any dispute arises regarding said date, the applicant shall have the obligation to establish the date on which he or she commenced lawful operation.

All distances referred to in this subsection shall be measured between the closest points on the exterior property lines or area boundaries of the parcels or areas involved, except that when a dealer in firearms subject to the provisions of this chapter occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit occupied. This subsection shall supersede any and all conflicting provisions regulating home occupations set out elsewhere in this code;

I. The applicant, or an officer, employee, or agent thereof does not have, and/or cannot provide evidence of, a possessory interest in the property at which the proposed business will be conducted;

J. The operation of the firearm dealer business as proposed in the application for the permit will violate any applicable building, fire, health or zoning requirements set forth in this code;

K. The applicant is within the class of persons defined in Welfare and Institutions Code sections 8100 or 8103;

L. Hours of operation would be outside of those approved in advance by the chief of police.

6.08.080 Permit – Form.

All permits issued pursuant to this chapter shall be in the form prescribed by the Attorney General of the State of California.

6.08.090 Permit – Duration, renewal.

A. The police department may grant a police permit to the applicant if it finds that the applicant complies with all applicable federal, state and local laws including, but not limited to, the state Penal Code, city building code, fire code, and zoning code.

B. A police permit expires one (1) year after the date of issuance. A permit may be renewed for additional one-year periods upon the permittee's submission of an application for renewal on a form furnished by the city, accompanied by a nonrefundable renewal fee established by city council resolution. The renewal application and the renewal fee must be received by the police department no later than forty-five (45) days before the expiration of the current permit.

C. A decision regarding issuance or renewal may be appealed in the manner provided for in Section 6.08.140.

6.08.100 Permit – Assignment.

The assignment or attempt to assign any permit issued pursuant to this chapter to another person or entity is unlawful and any such assignment or attempt to assign a permit shall render the permit null and void.

6.08.110 Permit – Conditions.

Any permits issued pursuant to this chapter shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the permit by the chief of police:

A. The business shall be engaged-in only in the building located at the street address designated in the permit, and only by such persons as specified in the permit; the business may also be engaged-in at such other locations or events as are authorized by federal and state law provided that such location or event conforms to the requirements of this code; any changes to the approved location or to the persons authorized to act as officers, employees, or agents of the permittee in engaging in the business during the term of the permit must be approved by the chief of police;

B. The permit or a copy thereof, certified by the chief of police, shall be displayed on the premises where it can easily be seen;

C. The permittee shall comply with all federal and state firearms laws. Any permit issued pursuant to this chapter shall be subject to such additional conditions as the chief of police finds are reasonably related to the purposes of this chapter, which include but are not limited to the safety and security of the occupants of the establishment, its patrons, and the public.

6.08.120 Permit – Grounds for revocation.

In addition to the violation of any other provisions contained in this chapter, circumstances constituting grounds for denial of a police permit also constitute grounds for revocation.

6.08.130 Liability insurance.

A. No police permit shall be issued or reissued unless there is in effect a policy of insurance in a form approved by the city and executed by an insurance company approved by the city, whereby the applicant is insured against liability for damage to property and for injury to or death of any person as a result of the sale, lease, or transfer or offering for sale, lease, or transfer of a firearm. The minimum liability limits shall not be less than one million dollars (\$1,000,000) for each incident of damage to property or incident of injury or death to a person.

B. The policy of insurance shall contain an endorsement providing that the policy shall not be canceled until notice in writing has been given to the chief of police at least thirty (30) days prior to the time the cancellation becomes effective.

C. Such policy of insurance shall name the city, its officers, agents, and employees as additional insureds. Additionally, applicants and permittee shall indemnify, defend, and hold harmless the city, its officers, agents, and employees from claims arising from the negligence of the applicant or permittee.

D. Upon expiration of a policy of insurance and if no additional insurance is obtained, the permit is considered canceled without further notice.

6.08.140 Hearing for permit denial or revocation.

A. Any person whose application for a permit has been denied, or whose permit has been revoked pursuant to the provision of this chapter, shall have the right to a hearing before the chief of police prior to final denial or prior to revocation.

B. The chief of police shall give the applicant or permittee written notice of his or her intent to deny the application or to revoke the permit. The notice shall set forth the ground or grounds for the chief of police's intent to deny the application or to revoke the permit, and shall inform the applicant or permittee that he or she has ten (10) days from the date of receipt of the notice to file a written request for a hearing. The application may be denied or the permit revoked if a written hearing request is not received within the ten-day period.

C. Within ten days of mailing written notice of intent to deny the application or revoke the permit, the applicant may appeal by requesting a hearing before the chief of police. The request must be made in writing, setting forth the specific grounds for appeal. If the applicant submits a timely request for an appeal, the chief of police shall set a time and place for the hearing within thirty (30) days.

D. All parties involved shall have the right to offer testimony, documentary and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine any witnesses against them. The decision of the chief of police whether to deny the application or revoke the permit shall be in writing within ten (10) days of the hearing. An applicant may appeal the decision of the chief of police to the city council in the manner provided in chapter 1.32.

6.08.150 Authority to inspect.

Any and all investigating officials of the city shall have the right to enter the building designated in the permit from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with building, mechanical, fire, electrical, plumbing, or health regulations, or provisions of this chapter. A police investigator may conduct compliance inspections to ensure conformance with all federal, state, and local laws, and the provisions of this chapter.

6.08.160 Compliance.

Any person engaging in the business of selling, transferring, or leasing, or advertising for sale, transfer or lease, or offering or exposing for sale, transfer or lease, any firearm on the effective date of the ordinance codified in this chapter shall have a period of sixty (60) days after such effective date to comply with the provisions of this chapter.

6.08.170 Business and security regulations.

A. All firearm dealers and officers, employees, or agents of the firearm dealer shall comply with all provisions of California Penal Code Section 12071 regarding business regulations and building specifications for firearm security.

B. All sellers of firearms shall protect such firearms from theft during business hours in the following manner:

1. All firearms shall be displayed in locked cabinets, a secured rack, or a storage area so that access to firearms is controlled by the dealer or an employee, to the exclusion of all others.

2. The firearm dealer or the dealer's agent or employee shall be present when a prospective buyer or seller is handling any firearm prior to sale and delivery of the firearm.

3. By security cameras, reinforced windows and doors, a safety and security plan, or other measures as reasonably required by the chief of police and fire marshal, including but not limited to timed exterior lights, landscaping will not block visibility into the business, alarm system, and remote intercom entry.

C. All firearms shall be stored in an approved gun safe (or a gun safe room if necessary) during hours of business nonoperation.

6.08.180 Nonconforming use.

Notwithstanding the provisions of Section 6.08.040(A) and the effective date of this chapter, any person engaged in firearm sales who is the holder of a valid seller's permit issued by the state Board of Equalization and a valid certificate of eligibility issued by the California Department of Justice, all of which were issued prior to January 1, 1998, need not obtain the police permit required by this Chapter, provided the operator remains fully licensed by all agencies listed above.

6.08.190 Penalty.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this article shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person and shall be punished accordingly. In addition, any person found to be in violation of this article shall be considered in noncompliance with the requirements of this chapter, and subject to the suspension and/or revocation of a firearm sales permit under Sections 6.08.070 and 6.08.120 of this chapter.

6.08.200 Severability.

This chapter shall be enforced to the full extent of the authority of the city of San Bruno. If any section, subsection, paragraph, sentence or word of this chapter is deemed to be invalid or beyond the authority of the city of San Bruno, either on its face or as applied, the invalidity of such provision shall not affect the other sections, subsections, paragraphs, sentences, or words of this chapter, and the applications thereof; and to that end, the section, subsections, paragraphs, sentences, and words of this chapter shall be deemed severable.

Section 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The City Council of the City of San Bruno hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. This Ordinance shall take effect and be in force 30 days after its adoption.

Section 5. The City Clerk shall publish this Ordinance according to law.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM

City Attorney

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I hereby certify that the foregoing Ordinance No. _____ was introduced on _____, 2013, and adopted at a regular meeting of the San Bruno City Council on _____, 2013, by the following vote:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

City Clerk



**City Council Agenda Item
Staff Report**

CITY OF SAN BRUNO

DATE: April 23, 2013
TO: Honorable Mayor and Members of the City Council
FROM: John Alita, Assistant Library Services Director
SUBJECT: Adopt Resolution Approving the Culture and Arts Commission Recommendation for a Centennial Art Project Concept and Site

BACKGROUND:

At the July 2012 Culture and Arts Commission annual presentation to the City Council, the Commission expressed its interest and intent to identify a site and design concept for a Centennial Art Project. The project would serve as a lasting, commemorative piece of public art honoring 100 years of San Bruno's history. Since then, the Commission has developed its public art display concept that includes a mural or similar two-dimensional work of art. The Commission is bringing this item forward as the first step toward ensuring a completed project by the Centennial celebration in December 2014.

DISCUSSION:

Following the July 2012 City Council meeting, the Culture and Arts Commission began developing a concept and evaluating appropriate sites for this project. Commission members wanted a final project that would capture a chronological spectrum of the City's history and felt that a mural representing periods of San Bruno's history would lend itself best to this idea. Once the Commission settled on the concept, they reviewed an existing list of potential public art sites previously developed as a planning tool. Two additional sites within in the Transit Corridors Plan area were also added as potential locations for the project. Sites were reviewed with the following considerations: suitability to the concept, visual impact, geographic location relative to existing public art, and property ownership.

This site review process resulted in three potential locations: one or more of the four retaining walls along Sneath Lane between Quail Point Circle and Claremont Drive, Huntington Avenue at Herman Street under Interstate 380, and the site of the new Posy Park at Huntington Avenue and San Bruno Avenue. Commissioners determined that the Sneath Lane site was the best location for the following reasons: (1) The length and spacing of the multiple retaining walls fit well with the concept of depicting periods of City history; (2) Sneath Lane provides high visibility as a connector between Interstate 280 and other major roads such as the El Camino, 101, and Skyline Boulevard; (3) there are no City-commissioned public art projects west of Interstate 280 and the Commissioners felt this absence of nearby art made the site more geographically desirable; and, (4) since the site is on City of San Bruno property, there are no ownership issues and the project can be fabricated off-site for minimal traffic and safety impacts. The other sites were found less desirable due to the potential involvement of outside agencies.

IDA

If this recommendation is approved, the Commission will return within 2-3 months and present the City Council with a draft Request for Qualifications (RFQ) and agreement, which will then be advertised to prospective artists through local, state and national arts organizations. The RFQ process will allow the Commission to recommend an artist based on his/her existing body of work and their history of bringing a community's vision to reality. The final project idea will be developed in cooperation with the artist and brought to the City Council for final approval along with the project budget. It is the Commission's intention for the artist to begin work no later than January 1, 2014 and complete the work no later than October 31, 2014.

FISCAL IMPACT:

There is no immediate fiscal impact in approving the site location and design concept. The Commission will develop a budget for the project as part of the Request for Qualifications process and artist recommendation. The budget will take into consideration the impact of the project on the current balance of the City Art Fund of \$136,000.

RECOMMENDATION:

Adopt Resolution Approving the Culture and Arts Commission Recommendation for a Centennial Art Project Concept and Site.

ALTERNATIVES:

1. Receive City Council direction to proceed with an alternative site location and/or alternative art project.

ATTACHMENTS:

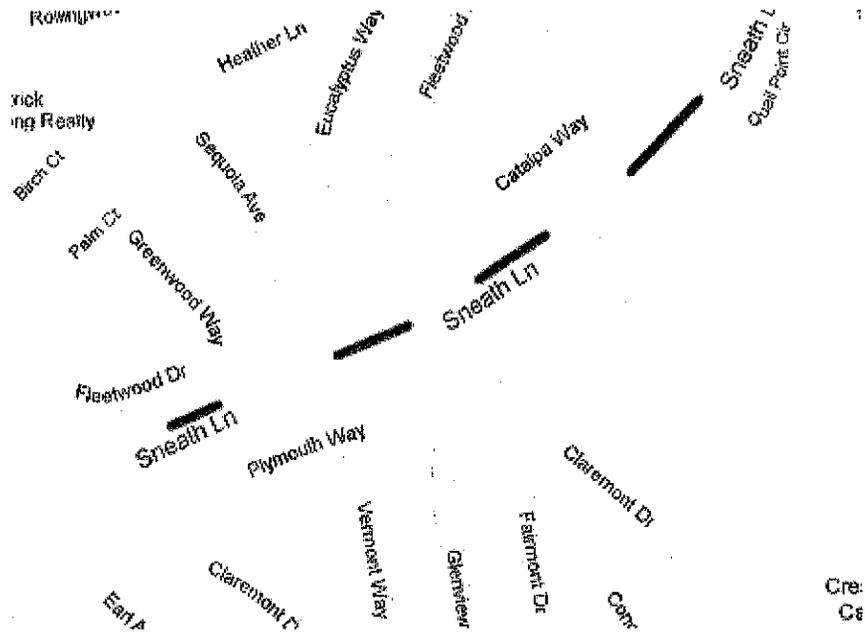
1. Resolution
2. Site and alternate site photos

REVIEWED BY:

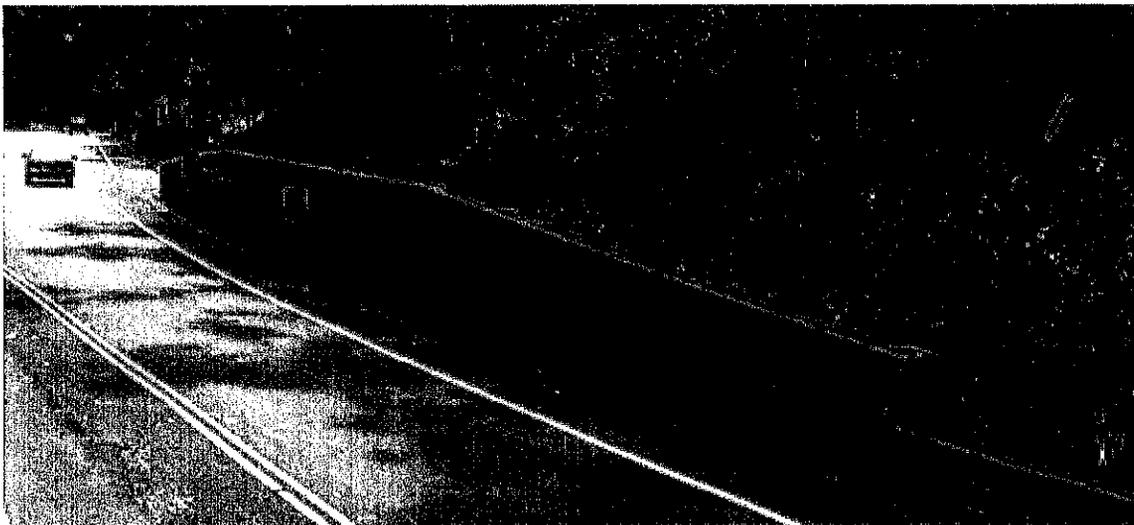
 DH

_____ CM

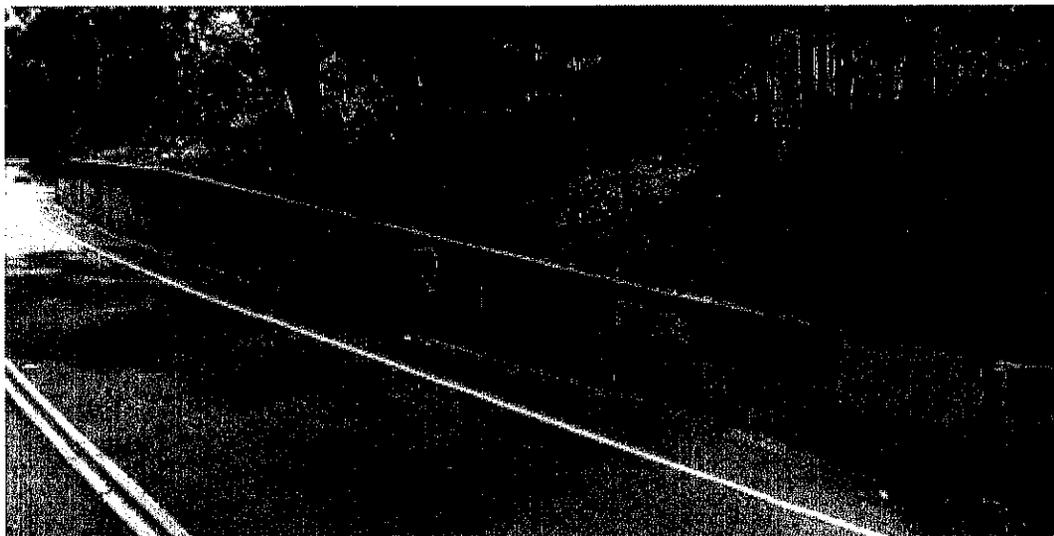
**Recommended Locations on Sneath Lane
Between Quail Point Circle and Claremont Drive**



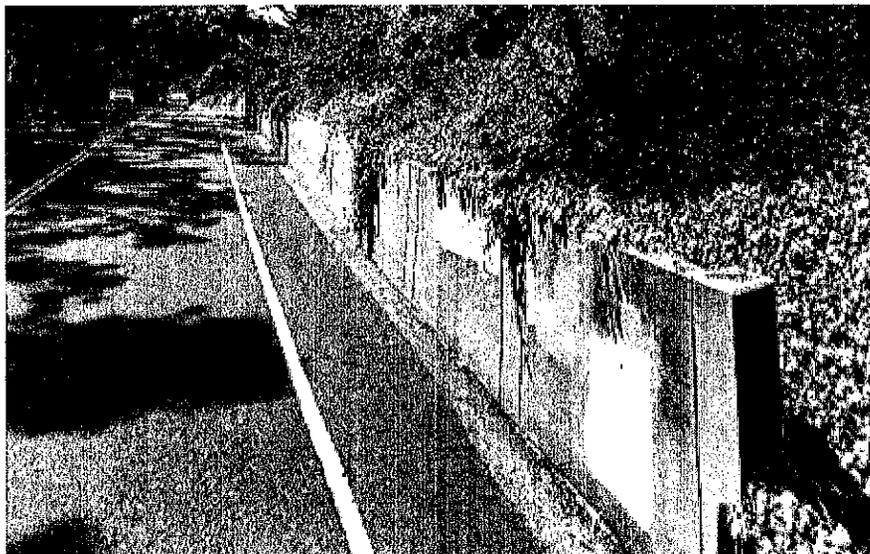
Sneath Lane at Quail Point Circle



Sneath Lane at East Entrance to Claremont Drive



Sneath Lane at Sequoia Avenue



Sneath Lane at West Entrance to Claremont Drive



Alternate Site: San Bruno Avenue and Huntington Avenue (new Posy Park)



Alternate Site: Huntington Avenue and Herman Street



RESOLUTION NO. 2013-

**ADOPT RESOLUTION APPROVING CULTURE AND ARTS COMMISSION
RECOMMENDATION FOR A CENTENNIAL ART PROJECT CONCEPT AND SITE**

WHEREAS, at the July 2012 Culture and Arts Commission annual presentation to the City Council, the Commission expressed its interest and intent to identify a site and design concept for a Centennial Art Project; and,

WHEREAS, the project would serve as a lasting, commemorative piece of public art honoring 100 years of San Bruno's history; and,

WHEREAS, the Commission has developed its Centennial public art concept that includes a mural or similar two-dimensional work of art to be further developed in partnership with the selected artist; and,

WHEREAS, The Culture and Arts Commission has evaluated sites within the City of San Bruno and formulated a site recommendation; and,

WHEREAS, the recommended site for the City of San Bruno Centennial Art Project will be on one or more of the four retaining walls along Sneath Lane between Quail Point Circle and Claremont Drive.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts resolution approving the Culture and Arts Commission recommendation for a Centennial Art Project concept and site.

Dated: April 23, 2013

ATTEST:

Carol Bonner, City Clerk

-o0o-

I, Carol Bonner, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 23rd day of April 2013 by the following vote:

AYES: COUNCILMEMBERS: _____
NOES: COUNCILMEMBERS _____
ABSENT: COUNCILMEMBERS: _____



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: April 23, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Marc L. Zafferano, City Attorney
Neil Telford, Police Chief

SUBJECT: Receive Staff Report and Consider Repeal of Chapter 4.40 Regarding Massage Establishments and a Revised Massage Establishment Ordinance

BACKGROUND:

In 2008, the Legislature adopted Section 4600 of the California Business and Professions Code, which created a nonprofit public benefit corporation, the California Massage Therapy Council (CAMTC), to regulate and standardize the issuance of massage therapist and practitioner certificates throughout the state. The policy behind the state law was to enable consumers to identify legitimate and professional massage workers/businesses, and also to relieve massage professionals from the burden of paying for increasingly costly and duplicative city-issued licenses throughout the state.

Under the new law, the CAMTC was charged with investigating the background of applicants for massage certificates, and then issuing certificates to those individuals who qualified by virtue of their massage therapy training, education, and experience. However, the CAMTC was soon inundated with applicants: between July 2009 and August 2012, the CAMTC received 45,211 applications for certification. Many applications were approved in the early years of the organization and during the down economy, resulting in those individuals seeking to practice in cities across the state. In response, cities attempted to revise their ordinances to address the proliferation of massage establishments, some of which were not providing legitimate massage therapy services.

After cities attempted to impose moratoria and adopt more stringent local regulations, the state amended the law in 2011 to preempt local regulation of massage establishments. Although obtaining a CAMTC license is voluntary, once obtained, cities cannot impose different or more stringent requirements than allowed under the new state law. A massage business that employs only state certified massage workers is not required to obtain a separate regulatory City license, permit or other authorization. In addition, a city may not enact ordinances, regulations, rules, requirements, restrictions, land use regulations, moratoria, conditional use permits, or zoning requirements that are different than those requirements that are uniformly applied to all other individuals and businesses providing professional services. A city also may not enact or enforce existing local building code or physical facility requirements that do not uniformly apply to other professional or personal services businesses. Thus, the state law

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preempts much of a city's authority to regulate massage workers/businesses that are state certified. Cities may continue to regulate massage workers/businesses that are not state certified.

The following is a summary of what cities can and cannot do under state law with respect to certified workers and businesses:

STATE LAW	
Can Do	Can't Do
Local police may verify information and get history of state certificate holder from CMTC.	Local agency cannot require state certified massage worker or business to obtain regulatory license, permit or other city authorization to practice massage.
Local agency may adopt reasonable health & safety requirements – cleanliness of massage rooms, towels & linens, reasonable attire and personal hygiene for persons providing massage services as long as does not impose additional qualifications such as medical examinations, background checks, or other criteria.	Local agency cannot enact ordinances, regulations, rules, requirements, restrictions, <i>land use regulations, moratoria</i> , conditional use permits, or zoning requirements that are different than those requirements that are <i>uniformly applied to all other individuals and businesses providing professional services</i> .
Local agency may require file copies or other evidence of state certificate & must have on premises for review.	Local agency cannot enact or enforce existing local building code or physical facility requirements that do not uniformly apply to other professional or personal services business.
Local agency may require a business license to operate a massage establishment and require an applicant to provide relevant information, make reasonable investigation into the information provided, and deny or restrict a license if the applicant has provided materially false information.	Local agency cannot charge a business license fee that is different than the fee uniformly applied to all other individuals and businesses providing professional services.
Local agency may require owner or operator to be responsible for the conduct of all employees or independent contractors working on the premises of the business, and revoke, suspend for violations on premises.	Local agency cannot require unlocked doors when there is no staff available to ensure security for clients and massage staff who are behind closed doors or require windows that provide a view into massage rooms that interfere with the privacy of clients of the massage business.
Local agency may conduct reasonable inspections.	

STATE LAW	
Can Do	Can't Do
Local agency may require an owner or operator to notify the city of any change to name, management or conveyance of business to another person.	
Can require background check on owner who owns 5% or more of business and who is not state certified.	

Subsequent amendments to the state law in 2012 conferred additional enforcement powers on the CAMTC, mostly with respect to applicants who claim to have attended massage therapy schools that either do not exist, do not provide any actual instruction, or provide falsified transcripts and diplomas. The CAMTC has compiled an ongoing list of these "suspect schools," and the CAMTC is authorized to deny certification to applicants who claim to have attended them. The CAMTC can suspend or revoke the certification of therapists who are discovered to have attended these schools. However, the CAMTC may allow these individuals to become recertified by providing evidence of education that the CAMTC finds compelling. It is also unclear whether new massage therapy schools are being created faster than the CAMTC can properly investigate them.

There are currently ten known massage establishments operating in the City. The Police Department has made contact at each such establishment and attempted to gather information for each massage worker. Approximately twenty massage workers were identified, and each held a valid CAMTC permit. Evidence of several unreported massage workers was found as well.

Unfortunately, the San Bruno Police Department has found that possessing a CAMTC license does not guarantee that massage therapists will always engage in legitimate therapeutic massage.

For example, the police department conducted two separate undercover operations at a local massage establishment, which resulted in the arrest of two CAMTC-certified massage therapists for sex solicitation and related crimes. The business was closed by the state for failure to pay payroll tax and failing to provide worker's compensation insurance to the employees, whom the state determined were incorrectly classified as independent contractors. The establishment paid the state fines and reopened, claiming that the current massage therapists are engaged in legitimate therapeutic massage. The owner of the property has resisted the City's request that the business be evicted.

In another case, a massage establishment submitted information about the massage workers that the business intended to employ. Further investigation via the CAMTC website disclosed that at least one of the massage therapists had a criminal record for prostitution, despite still being in possession of a CAMTC license.

The City's current massage ordinance dates from 2009, shortly after the adoption of the new state law in 2008. It should now be revised to comply with the more recent state law amendments, while also specifying in greater detail the power and authority retained by the City to ensure that these establishments are engaging in legitimate therapeutic massage, and not prohibited or criminal activities.

DISCUSSION

Staff has reviewed numerous massage ordinances across the state, and worked closely with the Police Department, the Finance Department, and the Community Development Department to develop a "best practices" ordinance. Staff recommends an ordinance that would allow only state-certified massage workers and businesses that employ only state-certified workers to practice massage in the City. The proposed ordinance authorizes the City to issue a Certificate of Registration to those who comply with the state law as amended. This process allows for the greatest degree of local oversight despite state preemption, while achieving compliance with state law.

The ordinance presented for review (Attachment 1) contains these key elements:

- Requires all massage practitioners to become state-certified and all massage establishments to employ only state-certified massage practitioners;
- Requires a background check for business owners that own 5% or more of a massage business and are not state-certified;
- Establishes an effective date of September 1, 2013, to provide time for businesses and workers to comply with the new regulations;
- Requires massage businesses and practitioners to register with the city to verify possession of valid and current state-certifications and require zoning clearance letter and business license;
- Sets renewal at every fiscal year;
- Exempts certain classes of persons and businesses as required by state law such as physicians, nurses, physical therapists, chiropractors, barbers, hospitals, and health clubs from requirement to obtain massage business Certificate of Registration;
- Establishes health and safety requirements such as clean linens, sanitized equipment, and no closed shades or curtains on front windows and doors during business hours, which are established from 7:00 a.m. to 9:00 p.m.;
- Provides a right to enter during business hours to conduct reasonable inspections to enforce compliance with building, health, and other related codes; and
- Sunsets on January 1, 2016, the current sunset date applicable to the state law.

Along with preparing for implementing a new ordinance, staff is developing a new internal system for tracking and processing applications for massage establishments. This system will ensure that all relevant City departments systematically review the applications. Irregularities will be reported to the CAMTC with a request that the state certification be suspended or revoked; property owners will also be notified of the reported irregularities, and the City may initiate legal action against the business owners and/or the property owners if the business is being conducted in violation of any local or state law.

FISCAL IMPACT:

There are no direct costs associated with the Municipal Code amendments. However, there will be a significant expenditure of staff time in several City departments (Community Development, Police, Finance, and City Attorney) to implement the changes and to ensure that the massage establishments remain in compliance on an annual basis.

ALTERNATIVES:

1. Make changes to the proposed ordinance.

RECOMMENDATION:

Receive Staff Report and Consider Repeal of Chapter 4.40 Regarding Massage Establishments and a Revised Massage Establishment Ordinance

DISTRIBUTION:

The staff report and proposed ordinance was mailed to all massage establishment owners and all property owners who lease to massage establishments.

ATTACHMENTS:

1. Draft Ordinance

DATE PREPARED:

April 10, 2013

REVIEWED BY:

_____ CM

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO
REPEALING EXISTING CHAPTER 4.40 AND ENACTING NEW CHAPTER 4.40
(MESSAGE ESTABLISHMENTS) TO TITLE 4, LICENSES AND REGULATIONS,
OF THE SAN BRUNO MUNICIPAL CODE
RELATING TO REGULATING MASSAGE SERVICES**

Section 1. Findings. The City Council of the City of San Bruno hereby finds and declares as follows:

WHEREAS, the City of San Bruno currently regulates massage services pursuant to Chapter 4.40 of the San Bruno Municipal Code through a City permit process; and

WHEREAS, Division 2, Chapter 10.5 of the California Business & Professions Code (“B&P Code”), as amended, requires that cities allow massage services to be provided without the need for City massage permits as long as the massage therapists and practitioners have acquired a state certification, or that the massage business employs only state certified personnel to perform massage; and

WHEREAS, established pursuant to the B&P Code, the California Massage Therapy Council (CAMTC) has the goal of elevating the standing of massage practitioners and therapists in the community by enacting high standards for state certification thus distinguishing them from those businesses that serve as a front for prostitution and other illegal activities; and

WHEREAS, the City seeks to conform its massage regulations to the requirements of B&P Code Chapter 10.5, as amended, and rather than establish a dual process for massage services permitted by the City and massage services permitted through state certification, the City will require all such persons and businesses providing massage services in San Bruno to obtain state certification; and

WHEREAS, establishing one regulatory scheme for massage services will create a consistent and clear process for applicants and will enable consumers to identify legitimate massage workers, thus protecting the health, safety, and welfare of the City.

THE CITY COUNCIL OF THE CITY OF SAN BRUNO DOES ORDAIN AS FOLLOWS:

Section 2. Chapter 4.40 (Massage Establishments) of the San Bruno Municipal Code is hereby repealed.

Section 3. New Chapter 4.40, “Massage Establishments” is hereby added to read as follows:

CHAPTER 4.40

MESSAGE ESTABLISHMENTS

Article 1. General

- 4.40.010 Purpose and intent.
- 4.40.020 Definitions.
- 4.40.030 Authority.
- 4.40.040 State certification and city registration required.

Article 2. Massage Businesses

- 4.40.050 Certified massage business – Certificate of registration required.
- 4.40.060 Certified massage business – Registration issuance.
- 4.40.070 Registration fee.
- 4.40.080 Business license.
- 4.40.090 Exemptions from requirement for certificate of registration – business.
- 4.40.100 Health and safety requirements.
- 4.40.110 Inspection by city officials and notices of violation.
- 4.40.120 Display of signs and permits.
- 4.40.130 Transfer of massage business certificate of registration.
- 4.40.140 Notification of changes.

Article 3. Massage Practitioners

- 4.40.150 Massage practitioners – Certificates of registration required; non-transferable.

Article 4. Expiration, Revocation, Suspension, Appeals

- 4.40.160 Certificates of registration – Expiration and renewal.
- 4.40.170 Revocation or suspension of certificate of registration - Massage business.
- 4.40.180 Revocation or suspension of certificate of registration – Individuals.
- 4.40.190 Suspension or revocation hearing.
- 4.40.200 Appeal from denial, revocation, suspension.
- 4.40.210 Reapplication after denial.

Article 5. Miscellaneous

- 4.40.220 Public nuisance.
- 4.40.230 Violations, penalties.

Article 1. General

4.40.010 Purpose and intent.

It is the purpose and intent of the City Council that this chapter rely upon California Business & Professions Code Chapter 10.5 of Division 2, as it may be amended, to provide for the orderly and consistent regulation of massage services, to enable consumers to identify legitimate massage workers and businesses, and additionally to establish minimum health and safety standards, thus protecting the public interest, health, safety and welfare of the city.

4.40.020 Definitions.

For the purpose of this chapter, the following words and phrases shall mean or include:

A. "Applicant" shall mean an applicant for a Certificate of Registration – Individual or Business, and each of the following persons: the managing responsible officer/employee, a general partner, a limited partner, a shareholder, a sole proprietor, or any person who has a five (5) percent or greater ownership interest in a massage business whether as an individual, corporate entity, limited partner, shareholder or sole proprietor.

B. "Approved School of Massage" means any school or institution of learning that is recognized as an "approved school" pursuant to Business and Professions Code Division 2, Chapter 10.5, as it may be amended.

C. "California Massage Therapy Council" means the massage therapy organization formed pursuant to California Business and Professions Code Section 4600, and following, as amended, and referred to as CAMTC herein.

D. "Certificate of Registration – Individual" means a certificate issued by the police department upon submission of satisfactory evidence that a massage practitioner or therapist has a current and valid State Certification and has satisfied all other requirements pursuant to the provisions of this chapter.

E. "Certificate of Registration – Business" means a certificate issued by the police department upon submission of satisfactory evidence that a massage business or sole proprietorship employs or uses only certified massage therapists or practitioners possessing current and valid State Certifications and has satisfied all other requirements pursuant to the provisions of this Chapter.

F. "Certified Massage Business" means any business where the only persons employed or used by that business to provide massage services have current and valid State Certifications.

G. "Certified Massage Practitioner" means any person holding a current and valid State Certificate issued by the CAMTC pursuant to California Business and Professions Code Sections 4600, and following, as amended, whether as a massage practitioner or massage therapist, as defined therein.

H. "Certified Sole Proprietorship" means any massage business where the owner is the only person employed or used by that business to provide massage services and the owner has a current and valid State Certification.

I. "Massage" means any method of treating the external parts of the body for remedial, health, or hygienic purposes for any form of consideration (whether for the massage, as part of a membership, as part of other services or a product, or otherwise) by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances; or with or without supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice; or by baths, including but not limited to Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, fomentation, or any other type of bath.

J. "Owner" or "Operator" means any and all owners of a massage business including any of the following persons: the managing responsible officer/employee, a general partner, a

limited partner, a shareholder, a sole proprietor, or any person who has a five (5) percent or greater ownership interest in a massage business whether as an individual, corporate entity, limited partner, shareholder or sole proprietor.

K. "Registered Certificate Holder" means a person or business that has been issued a Certificate of Registration by the city's police department.

L. "State Certification" or "State Certificate" means a valid and current certification properly issued by CAMTC pursuant to California Business & Professions Code Section 4600, and following, as amended.

4.40.030 Authority.

The police chief or designated representative shall have the power and authority to promulgate rules, regulations, and requirements consistent with provisions of this chapter and other law in connection with the issuance of a Certificate of Registration. The police chief may designate an employee of his or her department to make decisions and investigations and take actions under this chapter.

4.40.040 State certification and city registration required.

A. On or after September 1, 2013, it shall be unlawful for any individual to practice massage for compensation within the city unless that individual is a Certified Massage Practitioner and further, it shall be unlawful for any business to provide massage services within the City unless all individuals employed by the massage business to perform massage, whether as an employee or independent contractor, are Certified Massage Practitioners.

B. On or after September 1, 2013, unless issued a current and valid Certificate of Registration issued pursuant to this chapter, it shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on, or permit to be engaged in, conducted or carried on in or upon any premises within the city, the operation of a Certified Massage Business or the function of a Massage Practitioner.

Article 2. Massage Businesses

4.40.050 Certified massage business – Certificate of registration required.

A. A registration application shall be filed on forms provided by the police department, signed and submitted under penalty of perjury and shall contain all of the following information:

1. State Certification Verification:

a. If a Certified Sole Proprietorship, the applicant/owner shall produce a valid and current State Certification and a valid and current CAMTC issued identification card.

b. If a Certified Massage Business other than a Certified Sole Proprietorship, the applicant/owners shall produce:

(1) A valid and current State Certification; and

(2) A valid and current CAMTC issued identification card; and

(3) A statement that the Certified Massage Business shall employ only

Certified Massage Practitioners along with copies of valid and current State Certificates for all Massage Practitioners employed or who will be employed by the Massage Business and copies of their current and valid CAMTC issued identification cards.

c. The police department may require the owner/applicant of a Certified Sole Proprietorship or a Certified Massage Business to produce a valid and current driver's license and/or identification card issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government; and further may require the Massage Practitioners whom the owner/applicant has identified as employees to

personally appear and produce valid and current State Certificates, a valid and current driver's license and/or identification card issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government. With respect to all massage schools attended by the owner/applicant, the police department may also require certified copies of transcripts, a true and correct copy of the diploma(s) issued, and current contact information (phone, mailing address, and email address of Registrar or equivalent person) of all school(s) that the Certified Massage Practitioners attended.

d. The following information shall be provided by any owner/applicant who is not state certified and owns five (5) percent or more of the business:

(1) Acceptable proof that the employee is at least eighteen years of age.

(2) Full, true name, and other names used, date of birth and valid and current driver's license and/or identification card issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government.

(3) Two (2) photographs to be taken by the police department.

(4) Current address and previous two residences including dates at each address.

(5) Business, occupation, and employment history for five (5) years preceding the date of current or proposed employment, the inclusive dates of same; the name and address of any massage business or other like establishment owned or operated by any person subject to the background check including but not limited to history, if any, with any agency, board, city, county, territory, or state; and dates of issuance, denial, restriction, revocation, or suspension, and the reasons therefor of any individual or business permit; and

(6) Fingerprints, subject to a fee to cover actual costs, to submit to Department of Justice through LiveScan or equivalent, and may submit additional fee to cover the actual costs for subsequent arrest notice for renewal applications, to determine whether the applicant has any of the following:

i. All convictions for any crime involving conduct which requires registration under California Penal Code Section 290 (Sex Offender Registration Act);

ii. Convictions of violations of California Penal Code Sections 266i (pandering), 315 (keeping or residing in house of ill-fame), 316 (keeping disorderly house), 318 (prevailing upon person to visit place for gambling or prostitution), 647(b) (prostitution); 653.23 (supervision of prostitute);

iii. Convictions of any felony offense involving the sale of a controlled substance specified in Section 1104, 11055, 11056, 11057, or 11058 of the Health and Safety Code;

iv. Convictions of crimes designated in Government Code Section 51032 (massage – grounds for denial of license), or any crime involving dishonesty, fraud, deceit, violence or moral turpitude;

v. All injunctions for nuisances under Penal Code Section 11225-11235 (red light abatement law);

vi. Convictions in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the referenced offenses of this subdivision;

vii. Conspiracy or attempt to commit any such offense described in subsections i-vi of this subpart.

2. General Business Information – applicant/owner provide all of the following:

a. The full true name under which the business will be conducted.

b. The present or proposed address where the business is to be conducted.

c. A complete description of all services to be provided.

d. The name and address of any massage business or other like business owned or operated by any person whose name is required to be given pursuant to this section.

e. A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the applicant.

f. The name, address and phone number of the owner and lessor of the real property, if any, upon or in which the business is to be conducted.

g. A true and complete copy of any lease associated with the premises.

3. Corporate information – applicant/owner provide all of the following:

a. If the applicant is a corporation, in addition to providing certified copies of the Articles of Incorporation and Bylaws, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter together with the state and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than five (5) percent of the stock of that corporation, and its registered agent for receipt of process.

b. If the applicant is a partnership, the application shall set forth the names and residence address of each of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership as filed with the county clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporate applicants shall apply to the corporate partner.

c. The applicant, corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer/employee. Such person shall complete and sign all application forms required of an individual applicant under this chapter. The corporation's or partnership's responsible managing officer must, at all times, meet all of the requirements set by this chapter or the corporation or partnership Certificate of Registration shall be suspended until a responsible managing officer who meets such requirements is designated. If no such person is found within ninety (90) days, the corporation or partnership Certificate of Registration is deemed canceled and a new application for registration must be filed.

d. If an applicant owner, operator, corporation, or partner owns five percent (5%) or more of the massage business and is not state certified, the police department shall conduct a background check of that owner, operator, corporation, or partner, and which shall include the information requested in section 4.40.050A.1(d)(i)-(vii) inclusive and the name and address of any massage business or other like business owned or operated by any person who is subject to the background check requirement of this subdivision.

4. Authorization for the city of San Bruno, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and into the background of the applicant, where authorized by this chapter.

5. A certificate of compliance from the health officer for the city of San Bruno (as designated by the city manager) that certifies that the premises of the massage business will meet all applicable codes and regulations must be submitted prior to application approval.

6. Zoning consistency check in writing from city's community development department. A zoning consistency check does not confer or authorize any entitlement to a use permit or building permit or similar, which process, if applicable, is separate from the Certificate of Registration process.

7. A signed statement that the owner/applicant shall be responsible for the conduct of all employees or independent contractors working on the premises of the business and that failure to comply with California Business & Professions Code 4600, and following, with any local, state, or federal law, or with the provisions of this chapter may result in the suspension or revocation of the city-issued Certificate of Registration.

8. Payment of a registration fee, if any, as per section 4.40.070.

B. Upon receipt of the application, the police department shall refer the application to other city departments that shall inspect the premises, if any, proposed to be used as a massage business and shall make a written recommendation to the police department concerning compliance with the respective requirements.

C. The chief of police or authorized representative shall have up to 60 days after the submission of all required information to complete his investigation.

4.40.060 Certified massage business--Registration issuance.

A. The police department shall issue a Certificate of Registration -- Business to any Certified Sole Proprietorship that demonstrates all of the following:

1. That the operation, as proposed by the applicant, if permitted, complies with all applicable laws, including, but not limited to, the city's building, zoning, business license, and health regulations.

2. The owner is the only person employed or used by that business to provide massage services.

3. The owner holds a valid and current State Certificate issued pursuant to Chapter 10.5 of the California Business & Professions Code and that the owner/applicant is the same person to whom the CAMTC issued a valid and current State Certificate and identification card.

4. That the applicant has not made a material misrepresentation in this application or with respect to any other document or information required by the city with respect to this application or for an application for a city massage permit under applicable law within the last five (5) years.

B. The police department shall issue a Certificate of Registration -- Business to a Certified Massage Business that demonstrates all of the following:

1. That the operation, as proposed by the applicant, if permitted, complies with all applicable laws, including, but not limited to, the city's building, zoning, business license, and health regulations.

2. The owner holds a valid and current State Certificate issued pursuant to Chapter 10.5 of the California Business & Professions Code and that the owner/applicant is the same person to whom the CAMTC issued a valid and current state certificate and identification card.

3. The massage business employs or uses only State Certified Massage Practitioners whose certifications are valid and current and that owners of the State Certificates are the same persons to whom CAMTC issued valid and current identification cards.

4. That the applicant has not made a material misrepresentation in this application or with respect to any other document or information required by the city with respect to this application or for an application for a city massage permit under applicable law within the last five (5) years.

5. That the background check for any applicant/owner authorized by this chapter shows that such person has not been required to register under the provisions of Section 290 of the California Penal Code; within five (5) years preceding the application had a conviction in court of competent jurisdiction for any of the crimes identified in Section 4.40.050A.1(d)(6)(ii-vii) herein; has not had an individual or business permit or license with any agency, board, city, county, territory, or state, denied, revoked, restricted, or suspended within the last five (5) years; and has not been subject to an injunction for nuisance under Penal Code Section 11225-11235 within the last five (5) years.

4.40.070 Registration fee.

A registration fee, if any, shall be set by resolution of the City Council and shall be required only for background check for those applicants/owners of a Certified Massage Business who are not State Certified and own five percent (5%) or more of the Certified

Massage Business. A registration fee shall not be charged to State Certified Practitioners or State Certified owners/applicants.

4.40.080 Business license.

All persons shall obtain a business license where required by the city's business license provisions. The issuance of a Certificate of Registration (individual or business) is a condition precedent to the granting of such a business license. Upon the issuance of a Certificate of Registration pursuant to this chapter, the applicant shall apply for and furnish the information necessary to obtain a business license as required by the provisions of this code. No business license shall be issued until the Certificate of Registration has been issued and the business license fee, as provided in this code, has been paid. The business license fee shall be commensurate with the business license fee charged to other professionals as established by this code.

4.40.090 Exemptions from requirement for certificate of registration – Business.

The provisions of this chapter shall not apply to the following classes of persons or businesses while engaged in the performance of their duties:

A. Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists duly licensed to practice their respective professions in the State of California and working within the scope of their licenses and under the direction of said professional in conformance with state law.

B. Barbers, cosmetologists, estheticians, and manicurists who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, hands and feet, and/or scalp of the customers, and this exception shall not apply to full body work or full body massage.

C. Hospitals, nursing homes, sanatoriums, or other any health facilities duly licensed by the State of California.

D. Accredited junior colleges and colleges or universities whose coaches and trainers are acting within the scope of their employment.

E. Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event such as an outdoor road or bike race.

F. Health clubs, health spa, gymnasium, or other similar facility designed or intended for general physical exercise or conditioning in which the furnishing of massage or bathing services or facilities is subordinate and incidental, except that the person performing massage services shall obtain a State Certification and city Certificate of Registration in conformance with this chapter.

4.4.100 Health and safety requirements.

All premises of Certified Massage Businesses shall be subject to periodic inspection by the city for compliance with health, safety, and building standards and all such establishments shall comply with the following requirements:

A. Health and safety requirements - facility:

1. One artificial white light of not less than forty (40) watts shall be provided in each room where massage is being administered.

2. The walls shall be clean and painted with an approved washable mold resistant paint in all rooms where water or steam baths are given.

3. Floors shall be free from any accumulation of dust, dirt, or refuse.

4. All equipment used in the massage operation shall be maintained in a clean and sanitary condition.

5. Dressing and locker facilities shall be provided for patrons. Security deposit facilities for the protection of the valuables of the patrons shall also be available.

6. One front door shall be provided for patron entry to the massage business, which shall open to an interior patron reception and waiting area immediately inside the front door. All patrons and any persons other than individuals employed or retained by the massage business shall be required to enter and exit through the front.

7. No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs or darkens the view into the premises.

B. Health requirements -- linens:

1. Towels, sheets, clothes and linens of all types, and items for personal use of operators and patrons shall be clean and freshly laundered and shall not be used for more than one person.

2. Reuse of such items is prohibited unless the same has first been laundered. Such items shall not be laundered or dried in any massage business unless such business is provided with approved laundry facilities for such laundering and drying.

3. Heavy white paper may be substituted for sheets provided that such paper is used once for every person and then discarded into a sanitary receptacle.

C. General health and safety regulations.

1. No person afflicted with an infection or parasitic infestation transmissible to a patron shall knowingly provide massage therapy to a patron, or remain on the premises of a Certified Massage Business while so infected or infested.

2. It shall be unlawful for any Certified Massage Practitioner or other person to massage the genital area of any patron or the breasts of any female patron or for any operator of a massage business to allow or permit such massage.

3. It shall be unlawful for any Certified Massage Practitioner or other person to be other than fully clothed in non-transparent clothing at all times that shall not expose their genitals, pubic area, buttocks, or chest or for any operator of a massage business to allow or permit prohibited dress.

4. If during the life of a Certificate of Registration, the applicant has any change in information concerning the original application, notification must be made to the Chief of Police, in writing, within ten (10) days of the change.

5. It shall be unlawful for any Certified Massage Business or Certified Massage Practitioner to provide a massage between 9:00 p.m. and 7:00 a.m. and the hours of operation shall be displayed in a conspicuous public place in the reception area and in any front window clearly visible from outside of the massage business. Patrons and visitors shall be permitted in the massage business only during hours of operation.

6. A list of services available and the cost of such services shall be posted in an open and conspicuous public place on the premises. The services shall be described in English and may also be described in such other languages as the business chooses. No massage business operator shall permit, and no person employed or retained by the Certified Massage Business shall offer to perform, any services or fees other than those posted.

7. It shall be unlawful for any Certified Massage Business or any Registered Certificate Holder, owner, operator, or responsible managing officer/employee to violate any of the mandatory requirements of this chapter applicable to massage business.

4.40.110 Inspection by city officials and notices of violation.

A. The investigating officials of the city, including the county health officer, shall have the right to enter the premises from time to time during regular business hours prior to the issuance of a permit and subsequently for the purpose of making reasonable inspections to enforce compliance with this chapter and with building, fire, electrical, plumbing, and/or health and safety regulations. In the event a Certificate of Registration has been issued, it may be revoked or suspended in the manner hereinafter set forth in this chapter.

B. Whenever city officials make an inspection of a massage business and finds that any provision of this chapter has been violated, he or she shall give notice of such violation by means of an inspection report or other written notice. In any such notification, the investigating person shall:

1. Set forth the specific violation or violations found, and shall notify the Registered Certificate Holder that failure to comply with any notice issued in accordance with the provisions of this chapter may result in the revocation or suspension of the Certificate of Registration.

2. The Registered Certificate Holder may be issued a warning that any future violation of this chapter may result in suspension or revocation of the Certificate of Registration, or the City officials may establish a specific and reasonable period of time for the correction of the violation or violations. No time to correct need be given for health and safety violations or violations of criminal law.

3. The Registered Certificate Holder and operator shall take immediate action to correct violations and city officials may re-inspect the business for compliance.

4.40.120 Display of signs and permits.

A recognizable and legible sign shall be posted at the main entrance of each massage business identifying the business as such business. The owner or operator of such massage business shall display the Certificate of Registration issued to the business and to each massage practitioner employed in the business in an accessible and conspicuous place on the premises.

4.40.130 Transfer of massage business certificate of registration.

A Certificate of Registration - Business shall not be transferable except with the written approval of the police department. A written application for such a transfer shall be made to the police department. The application for such transfer shall contain the same information as required herein for an initial application for a permit as set forth in Section 4.40.050. In the event of denial of such transfer, notification of and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of registered or certified mail or delivered in person.

4.40.140 Notification of changes.

Every massage business owner or operator shall report in writing immediately to the police department any and all changes of address of ownership of the massage business, and any changes or transfers of massage practitioners employed in the business or practice.

ARTICLE 3. Massage Practitioners

4.40.150 Massage practitioners – Certificates of registration; non-transferable.

A. It shall be unlawful to practice massage for any form of consideration as a principal, employee, agent or otherwise within the City, unless:

1. A person has a current and valid Certificate of Registration issued pursuant to this chapter; or

2. A State Certified Practitioner is currently working for a State Certified Massage Business with a current and valid Certificate of Registration issued pursuant to this chapter.

This section expressly applies to all Massage Practitioners working as individuals unless specifically exempted pursuant to the provisions of this chapter.

B. Subject to the investigation authorized by Business and Professions Code 4612(b)(7), the police department shall issue a Certificate of Registration to any Certified Massage Practitioner who demonstrates the following:

1. A valid and current State Certification; and
2. A valid and current CAMTC issued identification card.

C. A Certificate of Registration - Individual shall not be transferable.

ARTICLE 4. Certificates Of Registration – Expiration, Denial, Revocation, Suspension, and Appeals

4.40.160 Certificate of registration expiration and renewal.

A. Certificates of Registration shall be valid as follows:

1. Massage Businesses – on a fiscal year basis, for one year from issuance or as extended pursuant to this chapter;

2. For Sole Proprietors – on a fiscal year basis, for one year from issuance or as extended pursuant to this chapter;

3. For Massage Practitioners – on a fiscal year basis, for one year from issuance or as extended pursuant to this chapter.

B. The city Certificate of Registration shall be renewed in accordance with the expiration schedule set forth in this section.

C. The Registered Certificate Holder – Business shall apply to the city to renew such registration within sixty (60) days prior to expiration and shall apply to the city to amend the Certificate of Registration within thirty (30) days after any change in the registration information including but not limited to a change in work address. The police department may extend the Certificate of Registration one time in a renewal period for up to ninety (90) days for Sole Proprietors who provide timely evidence of a renewal application to CAMTC.

D. The Registered Certificate Holder – Individual shall apply to the city to renew such registration within thirty (30) days prior to expiration of the Certificate of Registration and shall apply to the city to amend the Certificate of Registration within thirty (30) days after any change in the registration information including but not limited to a change in the work address. The police department may extend the Certificate of Registration one time during a renewal period for up to ninety (90) for individuals who provide timely evidence of a renewal application to CAMTC.

E. If a renewal application and all required information for the renewal is not received by the police department as provided herein, the Certificate of Registration shall be deemed expired and no privilege to provide massage in San Bruno shall exist. Renewals shall be processed and investigated and the applicant is required to submit that information which has changed from the last application or renewal.

4.40.170 Revocation or suspension of certificate of registration -- Massage business.

A. Certificates of Registration issued to a Certified Massage Business or Certified Sole Proprietorship may be suspended or revoked by the police department upon any of the following grounds:

1. A Registered Certificate Holder is no longer in possession of a current and valid State Certification.

2. A non-certified owner, operator, corporation, or partner who owns five percent (5%) or more of the massage business has been convicted of a crime that would have caused denial of the Certificate of Registration.

3. A Registered Certificate Holder has made a material misrepresentation on the application for Certificate of Registration or renewal.

4. The Registered Certificate Holder has engaged in conduct or operated the Certified Massage Business or as a Massage Practitioner in a manner which violates any of the provisions of this chapter, any conditions of the permit, or any of the laws which would have been grounds for denial of the permit, including but not limited to those offenses enumerated in section 4.40.050(A)(1)(d)(6) herein.

5. The Registered Certificate Holder employs or uses non-certified massage technicians to perform massage services.

6. Violations of this chapter, California Business & Professions Code section 4600, and following, and/or any of the laws which would have been grounds for denial of the permit including but not limited to those offenses enumerated in section 4.40.050(A)(1)(d)(6) have occurred on the business premises.

7. The Registered Certificate Holder has failed to comply with one or more of the health and safety requirements under this chapter.

8. The Registered Certificate Holder has engaged in fraud, misrepresentation, or false statements in obtaining or maintaining a Certificate of Registration.

The term of suspension shall be not more than sixty (60) days.

4.40.180 Revocation or suspension of certificate of registration -- Individuals.

A. The police chief may revoke or suspend a Certificates of Registration issued to individuals upon the following grounds:

1. Certificate Holder is no longer in possession of a current and valid State Certification;

2. The Certificate Holder has engaged in fraud, misrepresentation, or false statements in obtaining or maintaining a Certificate of Registration.

The term of suspension of any permit shall be not more than sixty (60) days.

4.40.190 Suspension or revocation hearing.

A. A hearing shall be scheduled upon not less than ten (10) calendar day's notice to the Registered Certificate Holder stating the grounds for proposed revocation or suspension. Notice shall be given by personal service or certified or registered mail to the address shown on the last application or renewal. If reasonable attempts to otherwise serve are not successful, service may be provided by first class mail.

B. Notice of the decision shall be given in the same manner as for the hearing.

C. If the permit is suspended or revoked, the permit shall be surrendered.

D. Service shall be deemed complete when personal service is made, when the certified letter is delivered, or when the decision is mailed by first class mail.

E. Unless otherwise specifically prohibited by law, the burden of proof is on the Registered Certificate Holder/applicant in any hearing or other matter under this chapter. Formal rules of evidence shall not apply to the hearing.

4.40.200 Appeal from denial, revocation, suspension.

The decision of the chief of police to deny, revoke or suspend a Certificate of Registration may be appealed by the Registered Certificate Holder to the city council in accordance with the appeals procedures set forth in Chapter 1.32 of the Municipal Code.

4.40.210 Reapplication after denial.

No reapplication for a Certificate of Registration will be accepted within one year after an application or renewal is denied or a Certificate of Registration is revoked, provided that, if a Certificate of Registration -- Business is denied for the sole reason that a massage practitioner does not possess the required training, reapplication may occur when the required training is completed.

ARTICLE 5. Miscellaneous

4.40.220 Public nuisance.

Any massage business operated, conducted, or maintained contrary to the provisions of this chapter shall be unlawful and a public nuisance, and the city attorney may in the exercise of discretion, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in a manner provided by law.

4.40.230 Violations, penalties.

A. Unless otherwise exempted by the provisions of this chapter, every person, whether acting as an individual, owner, employee of the owner, operator, or employee of the operators or whether acting as a mere helper for the owner, employee, or operator, or whether acting as a participant or worker in any way, who gives massages or conducts a massage business, or who, in connection with the business, gives or administers, or practices the giving or administering of, massages or baths or any of the services defined in this chapter, without first obtaining State Certification and a City Certificate of Registration, or who shall violate any provision of this chapter, shall be guilty of a misdemeanor.

B. Any owner, licensee, manager, or Registered Certificate Holder in charge or in control of a massage business or Certified Massage Business or Certified Sole Proprietorship who knowingly employs a person who is not in possession of a valid, unrevoked Certificate of Registration, or who allows such persons to perform, operate, or practice within such a place of business, shall be guilty of a misdemeanor.

C. The city attorney may reduce the penalties above to an infraction. The penalties for such violations are as set forth in Chapter 1.28 of the Municipal Code.

Section 4. This ordinance is categorically exempt from the California Environmental Quality Act pursuant because it is not a project and there is no possibility that the ordinance may have a significant effect on the environment.

Section 5. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The City Council of the City of San Bruno hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional.

Section 6. This Ordinance shall take effect and be in force 30 days after its adoption.

Section 7. This ordinance shall remain in effect only until January 1, 2016, or such other time as may be established thereafter by Cal. Business & Profession Code § 4620, and following.

Section 8. The City Clerk shall publish this Ordinance according to law.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM

City Attorney

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I hereby certify that the foregoing Ordinance No. _____ was introduced on _____, 2013, and adopted at a regular meeting of the San Bruno City Council on _____, 2013, by the following vote:

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

City Clerk



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: April 23, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Kim Juran, Finance Director

SUBJECT: Receive Quarterly Financial Update Report as of March 31, 2013 for the 2012-13 General Fund, Enterprise Fund, and Internal Service Funds Operating Budget

BACKGROUND

The City Council approved 2012-13 General Fund, Enterprise Funds, and Internal Service Funds Budget is the annual plan and resource allocation that guide and ensure implementation of City Council policies and priorities. The budget implements the vision and direction for the broad range of services that meet the needs of the community in accordance with City Council policy.

This financial review as of March 31, 2013 provides the third quarter update to the City Council for the current fiscal year. Analysis of the revenues collected and all expenditures through March 31, 2013 measures the budget's adherence to the established resource allocation plan.

DISCUSSION

The Amended Budget incorporates the estimated revenues and planned expenditures for all funds. The attached 2012-13 Financial Update Report as of March 31, 2013 provides the revenue and expenditure summary for the General Fund, Enterprise Funds, and Internal Service Funds. The following discussion focuses on variances from the revenue and expenditure plans and allocations reflected in the budgets.

General Fund

The General Fund finances the operations of the City that have no special or dedicated revenue source and pay for basic municipal services. The 2012-13 Amended Budget anticipates revenues of \$33,348,406 and includes increases to property tax, sales tax, and transient occupancy tax revenues as identified in the mid-year budget amendment. The expenditure budget of \$33,350,247 reflects increased costs associated with the elimination of the furlough and employee benefit increases per recently negotiated contracts.

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Revenue and expenditure data as of the end of the third quarter provide a strong indication of year-end results. Total General Fund revenue through March 31, 2013 was consistent with the same period in 2011-12 at 67% of budget, while expenditures were at 74% of the budget compared with 72% in 2011-12 as a result of fewer staff vacancies in the current year. A more detailed review of revenues and expenditures are discussed below:

General Fund Revenue

- **Property Tax** (66% of budget compared to 62% in 2011-12)
The budget for property tax revenue is \$534,900 higher than the amended budget in 2011-12 due to an increase that comes from the re-distribution of former tax increment (Redevelopment) funds to the City as regular property tax. Actual property tax revenues as of March 31, 2013 are \$613,000 higher than at the same time last year, with the next distribution of property tax scheduled to occur in April.
- **Sales Tax** (60% of budget compared to 59% in 2011-12)
The budget for sales tax revenue is \$250,000 higher than the budget of \$6.6 million in 2011-12. Sales tax revenues are trending \$188,000 above this same time last year and are on track to meet budget projections.
- **Charges for Services** (75% of budget compared to 79% in 2011-12)
The budget for this category is \$454,000 lower than the prior year, as general administration allocation revenues were anticipated to be lower due to the dissolution of redevelopment agencies. Revenues in this category are expected to meet the budget for the year.
- **Business Tax** (94% of budget compared to 100% in 2011-12)
The budget for this category increased \$127,600 as a result of a growing number of businesses relocating to San Bruno, increasing business tax revenues. Current year revenues are \$11,000 higher than the same period in 2011-12 and are anticipated to meet the budget.
- **Hotel/Motel Occupancy Tax** (75% of budget compared to 69% in 2011-12)
Current year revenues are up \$205,000 over the prior year, representing an increase of 15%. The total year-to-date revenues of \$1.57 million reflect revenues collected for the first eight months of the fiscal year.
- **Departmental, Recreation/Senior Services/Parks** (65% of budget compared to 51% in 2011-12)
The combined budget for Recreation, Senior Services, and Parks is \$19,700 higher than in 2011-12; however, actual year-to-date revenues are \$184,500 higher than at the end of the third quarter in 2011-12. Since revenues are typically highest during the last three months of the fiscal year during summer program registration, it is anticipated that revenues will exceed the budget at year-end.

General Fund Expenditures

- **General Fund Total Expenditures** (74% of budget compared to 72% in 2011-12)
Expenditures at March 31, 2013 total \$24,567,405, which is 74% of the amended budget. The expenditures year-to-date are \$1 million higher than at this same time last year, which is due to the elimination of the employee furlough, negotiated salary and benefit increases, and less staff vacancies than last year.

Enterprises & Internal Service Funds

Four Enterprise Funds make up the City's business type operations. The Water Fund, Stormwater Fund, Wastewater Fund, and Cable Television Fund are City municipal operations designed to fully recover costs through user fees. Internal Service Funds also operate as business activities, providing exclusive support to the City's internal operations. The Central Garage, Building & Facilities Maintenance, Self Insurance, and Technology Support make up these funds.

Revenues

- **Water** (79% of budget compared to 75% in 2011-12)
The 2012-13 budget for water revenues is \$362,000 higher than 2011-12 as part of the five-year rate increase program approved by City Council in 2012. Actual year-to-date revenues are up 8% over this same time last year, which are earmarked for critical system improvements to begin in the near term.
- **Wastewater** (75% of budget compared to 77% in 2011-12)
Budgeted 2012-13 revenues are \$798,000 higher than 2011-12 as part of the five-year rate increase program approved by City Council in 2012. Actual wastewater revenues are up \$396,000 over this same time last year and are pace to meet the budget projection.
- **Stormwater** (65% of budget compared to 65% of budget in 2011-12)
Stormwater fees are collected through the County property tax roll with the first payment received in December and the second installment received in April. Stormwater revenues are expected to meet the budget for the current year.
- **Cable Television** (72% of budget compared to 69% in 2011-12)
The 2012-13 budgeted revenues are \$1,032,090 less the 2011-12 budget. Revenues received as of March 31, 2013 are \$443,515 less than the prior year as revenues trend slightly below the budget.
- **Internal Service Funds** (50% of budget compared to 50% in 2011-12)
The charges for each of the Internal Service Funds are determined during the budget process and remain unchanged during the fiscal year unless amended.

Expenditures

Expenditures for the four Enterprise Funds and the four Internal Service Funds are all trending within their respective budget levels for the nine-month period of the fiscal year and are anticipated to remain within budget at year-end.

FISCAL IMPACT

The Quarterly Financial Update Report as of March 31, 2013 for the General Fund, Enterprise Funds, and Internal Service Funds Budgets provides the City Council a periodic update on the 2012-13 budget.

ALTERNATIVES

None, for information only. Additional information or analysis can be provided upon the request of the City Council.

RECOMMENDATION

Receive Quarterly Financial Update Report as of March 31, 2013 for the 2012-13 General Fund, Enterprise Fund, and Internal Service Funds Operating Budget

ATTACHMENTS

Quarterly Financial Update Report as of March 31, 2013

DATE PREPARED: April 12, 2013

City of San Bruno
Quarterly Financial Report
As of March 31, 2013

GENERAL FUND	2012-13			2011-12			2012-13 v 2011-12	
	March 31, 2013			March 31, 2012			Yr to Yr Change (\$)	Yr to Yr Change (%)
	Amended Budget	YTD as of 3/31/13	% of Budget	Amended Budget	YTD as of 3/31/12	% of Budget		
Revenues								
GENERAL GOVERNMENT								
Property Tax	6,101,300	4,046,075	66%	5,566,400	3,432,396	62%	613,679	18%
Sales Tax	6,850,000	4,096,393	60%	6,600,000	3,907,381	59%	188,013	5%
Motor Vehicle License Fee	3,210,000	1,672,487	52%	3,340,700	1,638,674	49%	33,813	2%
Charges for Services	2,376,952	1,782,711	75%	2,830,983	2,237,003	79%	(454,292)	-20%
Use of Money and Property	1,551,000	1,097,656	71%	1,789,000	1,292,043	72%	(194,387)	-15%
Franchise Fees	1,745,180	1,032,393	59%	1,758,584	1,002,581	57%	29,812	3%
Regulatory (Card Room) Tax	1,572,700	1,212,651	77%	1,496,000	1,179,531	79%	33,120	3%
Business Taxes	1,856,000	1,739,966	94%	1,728,400	1,728,423	100%	11,542	1%
Recoveries & One-time	580,000	128,507	22%	576,553	84,311	15%	44,195	52%
Hotel/Motel Occupancy Tax	2,100,000	1,575,276	75%	1,977,200	1,370,079	69%	205,198	15%
Fund Balance for PO Carryover	79,484	79,484	100%	127,407	127,407	100%	(47,923)	-38%
Sub Total	28,022,616	18,462,599	66%	27,791,227	17,999,829	65%	462,770	3%
DEPARTMENTAL								
Police	1,402,433	1,106,824	79%	1,224,158	1,154,946	94%	(48,122)	-4%
Recreation/Senior Services/Parks	1,235,456	803,376	65%	1,215,716	618,831	51%	184,545	30%
Engineering & Streets	963,515	847,979	88%	853,551	790,146	93%	57,833	7%
Planning & Building	1,171,500	679,051	58%	1,597,155	1,383,538	87%	(704,487)	-51%
Fire	441,886	380,723	86%	350,000	318,914	91%	61,808	10%
Library	111,000	74,649	67%	185,900	130,280	70%	(55,631)	-43%
Sub Total	5,325,790	3,892,602	73%	5,426,480	4,396,655	81%	(504,053)	-11%
Total Revenues	33,348,406	22,355,201	67%	33,217,707	22,396,484	67%	(41,283)	0%
Expenditures								
Police	12,569,165	9,319,300	74%	12,206,997	8,793,562	72%	525,738	6%
Fire	7,334,411	5,689,779	77%	7,389,171	5,535,554	75%	134,225	2%
General Administration Council, Clerk, Treasurer, City Attorney, City Manager, HR, Finance, Revenue Services	3,612,679	2,346,700	65%	3,382,131	2,212,792	65%	133,908	6%
Parks	2,035,120	1,422,363	70%	1,949,863	1,380,476	71%	41,887	3%
Engineering & Streets	1,969,471	1,488,413	76%	1,845,476	1,565,361	85%	(78,948)	-5%
Library	1,662,317	1,231,367	74%	1,679,953	1,197,706	71%	33,660	3%
Recreation	1,337,709	1,135,790	85%	1,347,148	1,021,685	76%	114,105	11%
Planning & Building	1,630,806	1,065,445	65%	1,452,045	840,062	58%	225,383	27%
Senior Services	821,320	612,704	75%	796,143	606,704	76%	6,000	1%
Non-Departmental	377,248	275,543	73%	681,303	395,036	58%	(119,493)	-30%
Total Expenditures	33,350,247	24,567,405	74%	32,730,230	23,548,938	72%	1,018,467	4%

City of San Bruno
Quarterly Financial Report
As of March 31, 2013

**ENTERPRISES & INTERNAL
SERVICE FUNDS**

	2012-13			2011-12			2012-13 v 2011-12	
	March 31, 2013			March 31, 2012			Yr to Yr Change (\$)	Yr to Yr Change (%)
	Amended Budget	YTD as of 3/31/13	% of Budget	Amended Budget	YTD as of 3/31/12	% of Budget		
Central Garage								
Revenue	625,056	469,364	75%	668,841	502,068	75%	(32,704)	-7%
Expenditure	626,316	423,983	68%	654,652	349,068	53%	74,915	21%
Buildings & Facilities Maintenance								
Revenue	881,655	661,446	75%	916,188	687,940	75%	(26,495)	-4%
Expenditures	887,111	681,148	77%	918,668	603,392	66%	77,757	13%
Self-Insurance								
Revenue	1,762,477	1,208,610	69%	1,584,954	1,191,386	75%	17,224	1%
Expenditure	1,770,578	1,220,440	69%	1,771,209	1,301,196	73%	(80,766)	-6%
Technology Support								
Revenue	512,652	389,721	76%	473,482	354,928	75%	34,793	10%
Expenditure	678,406	529,162	78%	485,176	366,307	73%	172,856	49%
Water Enterprise								
Revenue	11,152,000	8,780,133	79%	10,790,059	8,143,085	75%	637,048	8%
Expenditure	7,915,540	5,921,527	75%	7,497,105	5,734,475	76%	187,053	3%
Stormwater Enterprise								
Revenue	599,500	387,295	65%	620,650	400,391	65%	(13,095)	-3%
Expenditure	642,880	379,213	59%	544,972	331,261	61%	47,952	14%
Wastewater Enterprise								
Revenue	12,044,000	9,084,109	75%	11,245,764	8,688,071	77%	396,037	5%
Expenditure	7,545,674	4,099,945	54%	7,363,447	4,695,420	64%	(595,475)	-13%
Cable Television Enterprise								
Revenue	10,036,180	7,243,874	72%	11,068,270	7,687,389	69%	(443,515)	-6%
Expenditure	9,591,486	6,735,261	70%	9,956,210	6,859,034	69%	(123,773)	-2%



STAFF REPORT

CITY OF SAN BRUNO

DATE: April 23, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Eric Jackson, Information Technology Analyst II
Tami Yuki, Human Resources Director

SUBJECT: Adopt Resolution Authorizing the City Manager to Execute a Contract with En Pointe Technologies for Purchase of Microsoft Office Suite 2013 in the Amount of \$37,395

BACKGROUND:

The City of San Bruno currently uses Microsoft Office Suite 2000 as the office productivity computer software for employees to perform their daily tasks. The office suite includes Microsoft Word, Excel, PowerPoint, Access, and Publisher. This version has been in use in the City since the year 2000. Microsoft has released a number of newer office suites over the past ten years and with each version, new features are introduced which provide further efficiencies to daily tasks. Since installing the Microsoft Office that the City currently uses, there have been 5 newer versions released with Office 2013 being the latest release. This upgrade of the City's office suite is part of the approved Technology Capital Improvement Project for FY 2012-13.

DISCUSSION:

There are increasing compatibility issues between older and newer versions of the Microsoft Office suite, which have made it difficult for staff to work on documents received from outside agencies and individuals who are using the newer versions. Although the Technology Support Division has installed converters on the City network to allow newer formats to open, enhanced features of the newer versions and at times parts of electronic files and data are lost due to the growing incompatibility of the older Office 2000 suite that is installed on City computers. The incompatibility of the current office software reduces staff efficiency and productivity and the network changes that have been implemented provide only limited improvement.

Microsoft Corporation no longer supports the City's Microsoft Office 2000 version so we are no longer receiving important security updates making the system more vulnerable to computer viruses and security threats.

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The upgrade to Microsoft Office 2013 will significantly minimize difficulties and errors when receiving documents from outside agencies and the public, in addition to reducing our vulnerability to viruses and other security concerns.

As part of the evaluation of this project, the City's Technology User's Group (TUG) Training Committee evaluated the 2013 Office Suite and recommendations for staff training. Members of the Committee were granted access to the Office 2013 applications: Word, Excel, & PowerPoint. The Committee recommended that the transition to the updated software include training to all City employees to ease the transition in navigating the new menus and programs. Similar training was provided when the City made the transition from Word Perfect to Office 2000. Staff has developed a training plan to provide migration overview, in addition to specific training in Word, Excel, and PowerPoint for all employees.

On April 3, 2013, a bid package was sent to Microsoft Corporation, who on the City's behalf contacted their authorized list of State Select software distributors. Microsoft Corporation sent the bid package to 6 vendors who are the only resellers of the Microsoft Office 2013 current pricing structure for government agencies in California. On April 12, 2013, the City received the following 4 bids:

<u>No.</u>	<u>Contractor</u>	<u>Bid Amount</u>
1.	En Pointe Technologies	\$37,395
2.	Compucom Systems	\$37,687
3.	Dell Marketing	\$37,687
4.	PCMG	\$41,109

Staff completed a thorough review of the bids. Staff found that En Pointe Technologies' proposal is responsive to the City's licensing specifications and is consistent with the needs of the City at the lowest cost of the companies responding.

FISCAL IMPACT:

The 2012-17 Capital Improvement Program Budget includes \$42,500 to cover the cost of the Microsoft Office upgrade. This amount includes the purchase of the Microsoft Office software and the cost for staff training. Once the contract is approved, the remaining \$5,105 will be used for training employees on Microsoft Office 2013.

The cost of the Microsoft Office 2013 upgrade and staff training will be allocated to all user departments based on a formula consistent with the internal service allocation for the Technology Fund.

ALTERNATIVES:

1. Do not award the contract and direct staff to re-advertise and solicit new bid proposals for the project.

RECOMMENDATION:

Adopt Resolution Authorizing the City Manager to Execute a Contract with En Pointe Technologies for Purchase of Microsoft Office Suite 2013 in the Amount of \$37,395

ATTACHMENTS:

1. Resolution
2. 2012-17 Technology Capital Improvement Program

DATE PREPARED:

April 12, 2013

REVIEWED BY:

_____CM

RESOLUTION NO. 2013 - ____

ADOPT RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH EN POINTE TECHNOLOGIES FOR PURCHASE OF MICROSOFT OFFICE SUITE 2013 IN THE AMOUNT OF \$37,395

WHEREAS, the City of San Bruno currently uses Microsoft Office Suite 2000 as the office productivity software for employees to perform their daily tasks; and

WHEREAS, this upgrade of the City's office suite is part of the approved Technology Capital Improvement Project for FY 2012-13; and

WHEREAS, there are increasing compatibility issues between older and newer versions, which have made it difficult for staff to work on documents received from outside agencies and individuals who are using the newer versions resulting in significant limitations to staff productivity and efficiency; and

WHEREAS, the upgrade to Microsoft Office 2013 will allow staff to take advantage of a more efficient office suite and also minimize issues and errors when receiving documents created in later versions of the Office Suite; and

WHEREAS, on April 3, 2013, a bid package was sent to Microsoft Corporation, who on the City's behalf contacted their authorized list of State Select software distributors; and

WHEREAS, staff recommends that En Pointe Technologies' proposal is responsive to the City's licensing specifications and is consistent with the needs of the City at the lowest cost of those companies responding;

NOW, THEREFORE, BE IT RESOLVED Adopt Resolution Authorizing the City Manager to Execute a Contract with En Pointe Technologies for the Purchase of Microsoft Office Suite 2013 in the Amount of \$37,395.

Dated: April 23, 2013

ATTEST:

Carol Bonner, City Clerk

I, Carol Bonner, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 23rd day of April 2013 by the following vote:

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

**2012-17
 Technology Capital Improvement Program**

The Technology Capital Improvement Fund provides for major upgrades and improvements to the technology infrastructure supporting City operations. The Technology Capital Fund ensures a coordinated approach to defining and addressing the organization's current and future technology needs. All improvements in this Fund are intended to provide employees with access to efficient technological tools necessary to deliver excellent customer service to all customers. The departments benefiting from specific upgrades or the City's various operating Funds generate the Technology Capital Fund's revenues.

**2012-13 Technology Work Program
 Financial Summary**

Project Title	ABAG	Cable TV Fund	Tech Fee	Tech Capital	Tech Fund	Water Fund	Waste water Fund	2012-13 Total
Technology Capital								
Disaster Recovery Project	0	0	0	0	131,000	0	0	131,000
Fire Suppression Project	39,868	50,000	0	0	10,132	0	0	100,000
Microsoft Office Project	0	5,100	4,250	30,175	0	1,275	1,700	42,500
Total	39,868	55,100	4,250	30,175	141,132	1,275	1,700	273,500