

# "The City With a Heart"



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

## AGENDA SAN BRUNO CITY COUNCIL

May 28, 2013

7:00 p.m.

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

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

**1. CALL TO ORDER:**

**2. ROLL CALL/PLEDGE OF ALLEGIANCE:**

**3. ANNOUNCEMENTS:**

- a. The Annual Posy Parade will take place on Sunday, June 2, 2013 at 1:00 p.m. This year's theme for the 73rd Parade is "Salute to America."
- b. The City Council has Scheduled Study Sessions Beginning at 6:00 p.m. on June 6, and 10 and 12, 2013 to Review the Proposed FY 2013 -14 Budgets.

**4. PRESENTATIONS:**

Receive Presentation Report from Jamie Monozon, San Bruno Chamber of Commerce Executive Director on the Chamber's Plans for the San Bruno Farmer's Market.

**5. REVIEW OF AGENDA:**

**6. APPROVAL OF MINUTES:** Regular City Council Meeting of April 23 and May 14, 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 May 13 and 20, 2013.
- b. **Approve:** Payroll of May 5, 2013.
- c. **Waive:** Second Reading and Adopt Ordinance Repealing Chapter 4.40 (Massage Establishments) and Enacting New Chapter 4.40 (Massage Establishments).
- d. **Adopt:** Resolution Temporarily Closing Certain Streets in Connection with the 73rd Annual Posy Parade on June 2, 2013 and Authorizing Use of City Park Ball Fields and Police Department Assistance with Traffic Control.
- e. **Accept:** Resignation from Citizens Crime Prevention Committee Member. Declare a Committee Member Vacancy and Direct the City Clerk to Initiate the Process for Appointment of a New Member.

- f. **Adopt:** Resolution Authorizing the Closure of San Mateo Avenue Between Jenevein Avenue and Sylvan Avenue on Sundays from June 9, 2013 through November 24, 2013 between the hours of 7:00 a.m. and 4:00 p.m. and Waiving Specified City Permit Fees for the San Bruno Chamber of Commerce Farmers' Market.
- g. **Approve:** Response to the San Mateo County Grand Jury Report on "Can We Talk? Law Enforcement and Our Multilingual County."
- h. **Approve:** Response to the San Mateo County Grand Jury Report Related to "Water Recycling – An Important Component of Wise Water Management."

**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 agendized pursuant to State Law.

**10. CONDUCT OF BUSINESS:**

- a. Receive Report on Education and Enforcement Activities for the 2013 Fireworks Season.
- b. Adopt Resolution Accepting the Revised San Bruno Grade Separation Archway Design Concept.
- c. Adopt Resolution Authorizing the City Manager to Execute a Construction Contract for the Crestmoor (Glenview) Neighborhood Reconstruction – Phase III Utility Replacement Project with JMB Construction, Inc. in the Amount of \$6,473,399 and Approving a Construction Budget of \$9,030,150.
- d. Receive Report and Provide Direction to Staff Regarding Development of Plans for Celebration of the City's First 100 Years of Incorporation and December 2014 Centennial.
- e. Adopt Resolution Authorizing the City Manager to Execute a Contract with Telecommunications Engineering Associates in the Amount of \$65,000 for the Installation of 9-1-1 Replacement Equipment.
- f. Authorize the City Manager to Execute Contracts with Godbe Research in the Amount up to \$40,000 and McGovern Consulting in the Amount up to \$75,000 to Conduct a Voter Opinion Survey and Public Education Related to a Potential Voter Initiative to Amend Ordinance 1284 within the San Bruno Transit Corridors Plan Area and Adopt Budget Amendment Appropriating \$115,000 to the General Fund Planning Budget.
- g. Adopt Resolution Confirming Special Assessments for Unpaid Municipal Code Violations Abatement Costs at 502 San Felipe Avenue and 175 Martin Place and Authorizing the County of San Mateo to Place the Special Assessments on the 2013-14 Property Tax Rolls.

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

**12. COMMENTS FROM COUNCIL MEMBERS:**

**13. CLOSED SESSION:**

**14. ADJOURNMENT:**

The next regular City Council Meeting will be held on June 11, 2013 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

# "The City With a Heart"



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

## MINUTES SAN BRUNO CITY COUNCIL

April 23, 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 23, 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. Assistant Community Services Director Alita led the Pledge of Allegiance. Recording by Deputy City Clerk Hasha.

### 3. ANNOUNCEMENTS:

a. **Mayor Ruane** announced 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.

**Councilmember Ibarra**, the event chair encouraged people to get involved, this is the 4<sup>th</sup> year the event has taken place in San Bruno. He is so proud of how the community has come together and very pleased that they have reached their goal of raising \$40,000. Over 200 participants are anticipated and this is the largest non-profit event in the world.

b. **Vice Mayor O'Connell**, reminded that Operation Clean Sweep will be Saturday, May 4<sup>th</sup> at 9:00 a.m. in City Park and invited everyone to come and help clean up our City. She thanked Wayne Parker with San Bruno Auto Center who donated the donuts for the volunteers. Earth day was just yesterday, April 22<sup>nd</sup> and the first day that San Bruno began its plastic bag ban, and that all the volunteers at Operation Clean Sweep will receive a reusable shopping bag that day as a thank you for their time and commitment.

### 4. PRESENTATIONS: None.

### 5. REVIEW OF AGENDA: No changes.

**Mayor Ruane** moved Item 11, Annual Report of the Community Prepared Preparedness Committee, to follow Item 8, Public Hearings.

### 6. APPROVAL OF MINUTES:

Regular City Council Meeting of April 9, 2013, approved as submitted.

### 7. CONSENT CALENDAR:

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.

**M/S Medina/Ibarra** to approve the Consent Calendar and passed with all ayes.

8. **PUBLIC HEARINGS:** None.

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

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

Receive Annual Report from the Community Preparedness Committee.

**Community Preparedness Chair Dena Gunning** introduced Vice Chair George Peponis, who was in attendance and gave an overview of the committee's accomplishments in the past year then outlined their plans for the next year.

**Mayor Ruane** complimented Chair Gunning on a very busy year and thanked the committee for all their hard work and told her how appreciates their efforts are.

**Councilmember Medina** visited the recent C.E.R.T. training event at Skyline College and was so impressed with the commitment displayed by the participants and their willingness to be ready to assist their community in the time of an emergency or disaster. He is extremely proud of the committee and what they have established and achieved for the community.

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

**Keith Young, Linden Avenue**, is very concerned about recent activities in his block, involving some youths and potential criminal activity. He praised the Police Department's thorough response and subsequent follow-up, however he is asking that more be done, earlier that day he delivered letters to City Hall for Councilmember Medina from his neighbors who are afraid of this situation.

**Councilmember Medina** said he had not received them yet but assured Mr. Young that he would get them on his way home tonight and read them.

10. **CONDUCT OF BUSINESS:**

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

**Assistant Community Services Director Alita** reported on the Commission's recommendation of a mural on Sneath Lane near Claremont Drive and Quail Point Circle, depicting periods of San Bruno history, he explained once the idea concept was decided the site was selected by considering visual impact for motorists and pedestrians so the piece would get significant exposure, it was preferred that the City owned the site so that the process could be simplified and timely and also that there hasn't been any public art installed in the selected area, most of it is closer to El Camino. The length and spacing of the walls at this site lent itself best to the idea concept, he outlined the entire process that would take place to complete this project.

**Culture & Arts Commission Chair Tobin** gave finer details of

**Mayor Ruane** asked if the murals would be painted directly on the concrete or if they would be painted on another type of material then hung on the walls.

**Chair Tobin** answered that due to the narrowness of the road and high volume traffic, the art would be produce off site and mounted on the walls and that the Commission has discussed landscaping behind the site so ivy doesn't hang over the murals.

**Councilmember Ibarra** is concerned that the mural in this location may be a distraction and possible traffic hazard.

**Chair Tobin** offered examples of other communities that have executed similar projects and has confidence that the Commission's recommendation could emulate them.

**Councilmember Medina** also expressed concerns about the mural being distracting to drivers and posing a danger to traffic safety and asked if the Police have reviewed this.

**Chair Tobin** said the commission will ask the Police Department to review their plan. She also mentioned that graffiti is more distracting and studies have shown that where there is art there is less graffiti.

**Councilmember Medina** agrees that the various places we have art in San Bruno have been untouched by graffiti, and asked about landscaping plans and the cost of the project.

**Chair Tobin** replied that low maintenance, drought tolerant vegetation would be used.

**Mayor Ruane** asked if any thought was given to the possibility of freeway pillars as possible sites.

**Chair Tobin** said that it is feasible and has been considered for future projects.

**Councilmember Salazar** really likes the history timeline concept, but he worries that the Sneath site might not be noticed by motorists because of the traffic density and speed and is not that accessible to pedestrians.

**Chair Tobin** understands the concern but thinks that people will hear about the walls and make a point of traveling through town so they can see the walls, so she doesn't think the walls will be ignored or missed, there is also a sidewalk on the other side of the street.

**Vice Mayor O'Connell** commended staff and the Commission's hard work and thought process on this project and doesn't think the walls will be a distraction to drivers, and it is an excellent centennial project and is glad the project will bring art to this part of the City.

**Councilmember Salazar** asked if tonight's action was just for the concept and project funding would be coming back to the Council at a future meeting.

**Chair Tobin** said yes it is just for the concept, more work has to be done on cost analysis and will be brought back to Council in July.

**Vice Mayor O'Connell** introduced the resolution for adoption, it passed with all ayes.

**Councilmember Medina** asked about the art that was where the Grade Separation is.

**Chair Tobin** assured him it is in storage and will be replaced somewhere in that area.

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

**City Attorney Zafferano** reported on the draft ordinance regarding massage establishments, the ordinance would require all massage therapists to have a permit from the California Massage Therapy Council (CAMTC) and a certificate of registration from the City of San Bruno, which would have to be renewed annually, restricts hours of operation and could be suspended or revoked if there are any problems.

**Councilmember Ibarra** asked what the process was for getting a CAMTC permit.

**City Attorney Zafferano** explained the process involves training for a certain number of hours by a state approved massage therapy school, the CAMTC does a background check and other investigations to make sure the person is a legitimate massage practitioner, then a license will be issued, although having a license doesn't guarantee legitimate conduct.

**Councilmember Ibarra** said so it's not about being a good masseuse, it's whether it's being used as a front.

**City Attorney Zafferano** answered, yes.

**Councilmember Salazar** asked if there was a way to recover money from the State when they've done something that makes it difficult for the City to protect its citizens.

**City Attorney Zafferano** answered, not from a practical standpoint.

**Councilmember Medina** agreed with Councilmember Salazar's question.

**Beverly May, Director of Governmental Affairs for the CAMTC**, addressed the Council, commenting on the draft ordinance and staff report and offered some sample ordinances to assist the City in this process.

**City Attorney Zafferano** thanked Ms. May and welcomed the opportunity to work with her and the CAMTC in preparing the ordinance to bring to council for the first reading.

**Vice Mayor O'Connell** liked some of the suggestions Ms. May made regarding the City's draft 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.

**Finance Director Juran** presented the report for the 3<sup>rd</sup> Quarter Financial Update.

**Councilmember Medina** requested that general administration in the expenditure category, be broken down by each department, he would also like to take a closer look at the Cable T.V. department at the Budget Study Session and also the recreation center, senior services and parks.

**Councilmember Ibarra** asked for clarification on the sales tax revenue.

**Finance Director Juran** explained that it is trending higher over last year.

- 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.

**Information Technology Analyst Jackson** gave an overview pointing out how outdated our current version of Microsoft Office is, the process that was used to arrive at the recommendation before the Council tonight and the suggested employee training that would be necessary to facilitate the software conversion.

**Councilmember Salazar** asked what the structure of the license is and if the City is able participate in a pool that would offer us a larger discount.

**IT Analyst Jackson** explained that the licensing structure that the City is part of is a California State Select Agreement that is why there are only a handful of authorized resellers for Microsoft so the City is bound by the structure of that agreement between the State of California and Microsoft.

**Councilmember Salazar** wanted to confirm that the agreement says that the State of California gets the lowest price of any customer.

**IT Analyst Jackson** answered, yes that is correct.

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

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

This item was moved to follow Item 8.

Receive Annual Report from the Community Preparedness Committee.

#### **12. COMMENTS FROM COUNCIL MEMBERS:**

**Mayor Ruane** introduced our new Fire Chief Mark Ladas with Central County Fire.

Chief Ladas expressed his excitement and said he is honored to be in his new position. He looks forward to serving the citizens of San Bruno and working with the City Manager and rest of staff to make the community that much more safe.

#### **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.

#### **14. ADJOURNMENT:**

Mayor Ruane closed the meeting at 8:25 p.m. with a moment of silence for those killed and injured in the Boston Marathon tragedy and the Council entered into a closed session. The next regular City Council Meeting will be held on May 14, 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  
May 28, 2013

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Vicky Hasha, Deputy City Clerk

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Jim Ruane, Mayor



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

## MINUTES

### SAN BRUNO CITY COUNCIL

May 14, 2013

7:00 p.m.

1. **CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met on May 14, 2013 at the San Bruno Senior Center, 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 flower arrangement.
2. **ROLL CALL/PLEDGE OF ALLEGIANCE:** Presiding was Mayor Ruane, Vice Mayor O'Connell, Council Members Ibarra, Medina, and Salazar. **City Clerk Bonner** led the Pledge of Allegiance. Recording by Clerk Bonner.
3. **ANNOUNCEMENTS:** None.
4. **PRESENTATIONS:**
  - a. **Mayor Ruane** Presented a Proclamation Declaring the Week of May 12 - May 18, 2013 as Police Week in San Bruno to **Police Chief Telford** who thanked the City and the San Bruno Police Department. He said the Police Department sponsored Police Day at Tanforan where eleven agencies were involved. There were canine demonstrations and our Citizens Crime Prevention Committee had a booth.
  - a. **Mayor Ruane** Presented a Proclamation Declaring the Week of May 19 - 25, 2013 as Public Works Week in San Bruno to **Public Services Director Fabry** who thanked the City. She invited Council to an Open House on March 22 from 11:00 am to 1:00 pm.
5. **REVIEW OF AGENDA:** No changes.
6. **APPROVAL OF MINUTES:** None.
7. **CONSENT CALENDAR:**
  - a. **Approve:** Accounts Payable of April 22, & 29, and May 6, 2013.
  - b. **Approve:** Payroll of April 21, 2013.
  - c. **Approve:** Resolution Approving Side Letter Agreement Between the City of San Bruno and the Public Safety Mid-Management Bargaining Unit, Represented by Teamsters Union Local 856 and Authorizing its Execution by the City Manager.
  - d. **Adopt:** Resolution Authorizing the City Manager to Execute Amendment to the Agreement Between the City of San Bruno, City of Millbrae, and the Central County Fire Department for a Shared Fire Chief Position.
  - e. **Adopt:** Resolution Amending the City Classification Plan by Adopting Position Descriptions for Assistant Community Services Director and Community Services Superintendent and Adopt Salary Ranges for Assistant Community Services Director and Community Services Superintendent Positions.

**M/S O’Connell/Ibarra** to approve the Consent Calendar and passed with all ayes.

**8. PUBLIC HEARINGS:**

Hold Public Hearing, Waive First Reading, and Introduce Ordinance Repealing Chapter 4.40 (Massage Establishments) and Enacting New Chapter 4.40 (Massage Establishments).

**City Attorney Zafferano** gave an overview of the staff report which incorporated changes from previous comments and asked for questions.

**Councilmember Ibarra** asked if the CAMTC wanted stronger wording?

**City Attorney Zafferano** said one of the suggestions made it stronger, pointing out there was a provision of State law introduced that allows us to prohibit a new massage establishment from occupying the same place as an old establishment which has been included. He said they also recommended staff be allowed to ask for the transcripts of the massage therapy schools that the individuals go to. The concern of the CAMTC was that is really their function to determine whether the person is qualified to do massage. He said what we found was a certificate from the CAMTC doesn’t mean that you won’t later engage in activities that you didn’t learn at that massage school. He felt it was important for staff to have the ability to look at the transcripts and make sure they are valid and come from schools that actually exist.

**Mayor Ruane** opened the Public Hearing. No one wished to speak.

**M/S Medina/Ibarra** to close the Public Hearing and passed with all ayes.

**M/S O’Connell/Medina** to waive the first reading and passed with all ayes.

**Vice Mayor O’Connell** introduced the ordinance and passed with a unanimous vote.

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

**Robert Reichel, 7<sup>th</sup> Ave.** asked citizens to get involved by joining the Citizens Crime Prevention Committee. He said applications can be obtained in the City Clerk’s office.

**10. CONDUCT OF BUSINESS:**

a. Adopt Resolution Authorizing the City of San Bruno to Join the California State Association of Counties (CSAC) Excess Insurance Authority.

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

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

b. Adopt Resolution Authorizing the City Manager to Execute a Contract with J.J.R. Construction, Inc., for the Sidewalk Repair Program in the Amount of \$399,187 and Approving the Construction Contract Budget in the Amount of \$459,065.

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

**Councilmember Ibarra** asked how many of the 397 installations are private? **Tseng** said 35 additional locations might be homeowner participation. She added 107 homeowners had repairs and paid 100% of the cost. She said an active log has been kept of those who have called and are interested to make their sidewalks safe.

**Vice Mayor O'Connell** asked what determines who is responsible. **Tseng** said the City responsible locations are those next to a City-owned and City-maintained tree.

**Vice Mayor O'Connell** asked how citizens could get this information. **Tseng** said there is a street/property hot-line to the Web where they can send an inquiry on line where it is automatically forwarded to the correct department. She said a lot of residents call in and the City inspector will go out and verify the damage and working with the Parks Department they can give an answer within a week.

**Councilmember Medina** asked when the last survey was conducted. **Tseng** said 2004.

**Councilmember Medina** requested to see a copy of the letter sent out.

**Vice Mayor O'Connell** asked if more than 35 people request repairs, will Public Services come back to Council. **Tseng** concurred.

**Councilmember Ibarra** said we are taking care of everything that is  $\frac{3}{4}$ " and higher? What if they are less than  $\frac{3}{4}$ "? **City Manager Jackson** said the inventory being used was done in 2004 and has only been updated from complaints and field observations. She said each year there has been good participation but there has not been 100% complete participation by residents who have responsibilities for sidewalk repair. There may remain hundreds of areas throughout the City where sidewalk deficiencies exist and they are not City responsibility per our code and the private property owner who is responsible has not taken effective action on their own or by our program.

**Councilmember Ibarra** expressed his concern on what is going to keep the City from being responsible and we need to be more informative. **Fabry** said the enforcement piece of the program wasn't implemented. After the second letter, the City has the right to go in and do the repairs and then to basically hold the property owner responsible.

**Vice Mayor O'Connell** introduced the resolution for adoption and passed with a unanimous vote.

c. Adopt Resolution Approving Property Owner Notice and Protest Process for 2013-14 Garbage Rate Increase Proposed by Recology San Bruno.

**Finance Director Juran** gave an overview of the staff report. **Recology General Manager Pinochi** gave a report on the process of organic recycling.

**Mayor Ruane** asked about multi-families. **Pinochi** said they have future plans to educate.

**Councilmember Ibarra** asked if restaurants are a big part of recycling. **Pinochi** said they are allowing them to go to Recology because of limitations.

**Councilmember Ibarra** asked about the quarterly increases? He said we are taking garbage out of the landfill and the rates are staying up there? **Pinochi** said labor and benefits increase every day.

**Mayor Ruane** asked about migration from a 32 gallon can to a 20 gallon. **Pinochi** said customers are welcome to change.

**Councilmember Medina** asked if a person was to go from a 32 to a 20 gallon they would pay a lesser rate. **Pinochi** concurred.

**Councilmember Medina** said all the information regarding the rate increase and future rate increases need to be included in the flier where it is very clear and transparent. He also clarified that adoption this evening does not cement in what the rate increases will be going forward. **Juran** concurred.

**Vice Mayor O'Connell** asked how the pilot will be operated? **Pinochi** said the residents will be notified and they will be given an opt-out date of May 24. The kitchen pails will be delivered to those customers the last week in May and they will begin service weekly on June 3 which will run until City-wide organics rolls out.

**Vice Mayor O'Connell** asked what information will be used to gather information. **Pinochi** said increased tonnage and participation. A survey will be created for these customers.

**Councilmember Salazar** asked if there was a seasonable adjustment. **Pinochi** said an entire year of tonnage data is used which captures the high and the low.

**Councilmember Salazar** asked about the commercial customers and their space constraints? **Pinochi** said in the pilot program some of the customers had space constraints and they worked with them. She said they can use the knowledge from neighboring cities to see what they did with space constraint customers.

**Councilmember Salazar** said the action tonight is regarding the rate, but does that imply their commitment to Recology to implement the program? **Juran** said this is a commitment to the property-owner process. She said they would take this opportunity to begin the education and outreach process to let the public know what organics is. The decision for that will be in July.

**Councilmember Ibarra** asked the point of comparisons with the cities and how come some rates are so low? **Juran** said part of the rate comparison fluctuation comes from many variables such as some cities have more commercial and maybe the residential rate is lower.

**Councilmember Ibarra** suggested this be explained to the residents.

**Mayor Ruane** asked why biodegradable bags can't be used. **Pinochi** said other cities use a different processor which is more expensive. She said it would increase the cost substantially.

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

d. Schedule Study Sessions for Review of the FY 2013 -14 Annual Budget.

**City Manager Jackson** proposed Thursday, June 6, Monday, June 10, Wednesday, June 12, Thursday, June 13 and Tuesday, June 18. Council concurred with Thursday, June 6, Monday, June 10 and Wednesday, June 12 (if needed.)

**Councilmember Medina** said he would like to see fire abatement; i.e., vegetation in the fields looked at. He asked the monies saved from the Commander's retirement be used to update the literature and brochures used by Crime Prevention and the Explorer program. He also asked if there is one-time infusion to help the Explorer program train and continue their success.

e. Adopt Resolution Approving the Parks and Recreation Commission Recommendation to Accept a Masonry Lion Sculpture from the San Bruno Lions Club to be Installed Adjacent to the Beckner Shelter at San Bruno Park and Rotation of the Adjacent Water Fountain.

**Community Services Superintendent Brewer** gave an overview of the staff report.

**Vice Mayor O'Connell** asked about the size? **Park and Recreation Commissioner Pierce** said it is not quite life-size, 24 inches tall and 2 to 3 feet long, masonry and secured to the ground. **Vice Mayor O'Connell** asked if it could be graffiti-coated? **Pierce** concurred. He said the Commission were thrilled the Lions were going to take responsibility for taking care of Beckner Shelter as well as the Lion.

**Mayor Ruane** said a program was developed to recognize memorials or appreciation for different people or organizations. He said there is already a plaque at Beckner Shelter to recognize the Lions for what they have done. He felt it sends the wrong message.

**Councilmember Ibarra** said this started with the idea of an animated water fountain that was not well-received by staff as well as not financially feasible for the Lions' Club. He said along with repairing Beckner Shelter, there was hope there would be more than a plaque. He felt a lion shows that the Lions have done a lot to Beckner Shelter and appropriately represents the organization.

**Mayor Ruane** suggested the Lion and the plaque be tied together. **Councilmember Medina** agreed.

Discussion by Council continued.

**Vice Mayor O'Connell** introduced the resolution accepting the Lion statute to be placed as written in the resolution and passed with four ayes, one nay (Mayor Ruane.)

f. Adopt Resolution Authorizing the City Manager to Execute a Contract with Environmental Sciences Associates (ESA) in an Amount up to \$106,000 to Prepare an Initial Study, and Further Environmental Documentation with a Proposed Amendment to the U.S. Navy Site and its Environs Specific Plan Related to The Crossing Hotel Site and Appropriate \$106,000 from the General Fund to the Fiscal Year 2012-13 Budget.

**Community Development Director Woltering** gave an overview of the staff report and asked for questions.

**Councilmember Salazar** said during Redevelopment we could loan money to cover this type of investment. He asked if there is any mechanism we can use to track our investment?

**City Manager Jackson** said once the hotel is built we will be able to evaluate the return on that investment through transit occupancy taxes where the cost would be recovered in a very short time.

**Councilmember Salazar** said the payback period could be spread out.

**Councilmember Ibarra** asked Woltering for his thoughts? **Woltering** said there is a need to prepare an environmental study, it is a smaller project, there are new requirements in the State law to evaluate the changes in conditions.

**Robert Riechel, 7<sup>th</sup> Ave.** asked if the negotiations fell through with the developer, would these studies have to be redone. **Woltering** said no.

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

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

## 12. COMMENTS FROM COUNCIL MEMBERS:

**Councilmember Ibarra** thanked everyone for their involvement in Relay for Life. He said they doubled last year's goals.

**13. CLOSED SESSION:**

**14. ADJOURNMENT:**

**Mayor Ruane** closed the meeting in a moment of silence for Millbrae's Vice Mayor Nadia Holober. The meeting was closed at 8:58 p.m. The next regular City Council Meeting will be held on May 28, 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  
May 28, 2013

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Carol Bonner, City Clerk

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Jim Ruane, Mayor

05/13/13

CITY OF SAN BRUNO  
WARRANT REGISTER  
TOTAL FUND RECAP

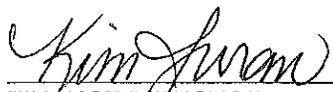
FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$62,962.15
003	ONE-TIME REVENUE	\$19,993.78
132	AGENCY ON AGING	\$2,229.90
133	RESTRICTED DONATIONS	\$1,650.00
190	EMERGENCY DISASTER FUND	\$13,033.50
203	STREET IMPROVE. PROJECTS	\$3,685.00
207	TECHNOLOGY CAPITAL	\$22,810.36
611	WATER FUND	\$5,968.74
621	STORMWATER FUND	\$26.54
631	WASTEWATER FUND	\$14,318.28
641	CABLE TV FUND	\$46,663.11
701	CENTRAL GARAGE	\$1,294.98
702	FACILITY MAINT. FUND	\$9,221.07
707	TECHNOLOGY DEVELOPMENT	-\$879.47
711	SELF INSURANCE	\$8,907.21
880	PROJECT DEVELOP. TRUST	\$510.00

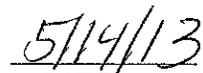
TOTAL FOR APPROVAL \$212,395.15

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 141509 THROUGH 141647 INCLUSIVE, TOTALING IN THE AMOUNT OF \$212,395.15 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

T.a.

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0102485 AARON WONG	141645	5/13/2013	272.27
0096852 ABAG PLAN CORPORATION	141509	5/13/2013	3,745.67
0016499 ACTION SPORTS	141510	5/13/2013	1,015.08
0000858 ADECCO EMPLOYMENT SERVICES	141511	5/13/2013	2,579.04
0018601 ADVANCED MEDIA TECH., INC.	141512	5/13/2013	1,387.72
0001170 AIRGAS NCN	141514	5/13/2013	24.14
0095130 ALAMEDA COUNTY SHERIFF'S DEPT.	141515	5/13/2013	1,808.00
0105557 ALBERT MAHER	141593	5/13/2013	200.00
0017459 ALL CITY MANAGEMENT SVC.INC.	141516	5/13/2013	2,008.80
0000372 ALLIED SECURITY ALARMS	141517	5/13/2013	441.00
0098857 ALLISON WELCH	141641	5/13/2013	67.09
0103662 ALTERNATV INTERNATIONAL CORP.	141518	5/13/2013	259.23
0000096 AMERICAN LIBRARY ASSN.	141519	5/13/2013	500.00
0105749 ANDREA FESTEJO	141561	5/13/2013	1,428.00
0095342 ANTONIA AGUILAR	141513	5/13/2013	200.00
0001202 ARAMARK UNIFORM SERVICES	141521	5/13/2013	48.47
0001965 ARISTA BUSINESS	141522	5/13/2013	604.07
0100151 ARTURO PICONES	141607	5/13/2013	8.39
0014617 AT&T	141523	5/13/2013	49.27
0016123 AT&T	141524	5/13/2013	2,052.21
0017211 AUTOMATIC DOOR SYSTEMS INC	141525	5/13/2013	1,580.34
0000345 BAKER & TAYLOR BOOKS	141526	5/13/2013	1,663.72
0105373 BAY AREA CLEANING	141528	5/13/2013	425.00
0103924 BEAR DATA SOLUTIONS, INC.	141529	5/13/2013	23,146.03
0105319 BEN ZHI BIN JIANG	141577	5/13/2013	1,000.00
0105743 BETH L. BOLES	141530	5/13/2013	183.90
0105747 BILL KWAN	141582	5/13/2013	200.00
0000378 BROADMOOR LANDSCAPE SUPPLY	141531	5/13/2013	196.20
0102737 BURKE, WILLIAMS & SORENSEN,LLP	141533	5/13/2013	5,922.28
0100132 C MARQUEZ	141534	5/13/2013	11.19
0018378 CALIFA GROUP	141535	5/13/2013	1,650.00
0097912 CALIFORNIA LIBRARY ASSOCIATION	141536	5/13/2013	600.00
0015818 CALIFORNIA RESERVE PEACE OFFICERS ASSOCIA'	141606	5/13/2013	360.00
0094860 CALIFORNIA SUITES %40141	141537	5/13/2013	82.07
0098951 CARL BROWN	141532	5/13/2013	7.32
0105235 CDW GOVERNMENT	141539	5/13/2013	3,011.51
0016324 CINTAS CORPORATION #464	141545	5/13/2013	399.94
0000227 CITY OF SAN BRUNO	141546	5/13/2013	435.21
0000386 CITY OF SOUTH SAN FRANCISCO	141547	5/13/2013	4,213.65
0099378 CLARK HERICO	141570	5/13/2013	20.27
0017802 CLEANSOURCE, INC.	141548	5/13/2013	975.22
0098656 COMPLETE LINEN SERVICE	141549	5/13/2013	81.93
0018331 CSG CONSULTANTS INC.	141551	5/13/2013	542.50
0000251 CUMMINS WEST INC.	141552	5/13/2013	3,844.27
0105109 DANIEL BARROS	141527	5/13/2013	500.00
0018912 DASH MEDICAL GLOVES INC.	141553	5/13/2013	287.32
0018188 DAU PRODUCTS	141554	5/13/2013	4,794.06
0098978 DAVID NG	141600	5/13/2013	1,000.00
0105750 DAVID WOLTERING	141644	5/13/2013	925.52
0104141 DC&E	141555	5/13/2013	28.25
0102820 DEBRA HALL	141568	5/13/2013	289.00
0099916 DELORES SCOFFERN	141623	5/13/2013	94.91
0018799 ECONOMIC&PLANNING SYSTEMS INC.	141557	5/13/2013	14,071.50

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount	
0018649	ELIFEGUARD, INC.	141558	5/13/2013	301.09
0017300	ENVIRONMENTAL HEALTH FEE	141559	5/13/2013	3,112.00
0018697	EVIDENT	141560	5/13/2013	172.00
0100172	FANG HOU	141573	5/13/2013	19.55
0098209	FLORENCE CEBALO	141540	5/13/2013	8.23
0001782	FLOWERS ELECTRIC & SVC.CO.INC.	141562	5/13/2013	2,670.82
0102869	FRANCHISE TAX BOARD	141563	5/13/2013	550.00
0100375	FRED SHEPPARD	141624	5/13/2013	8.39
0018881	GARY LEPORI	141588	5/13/2013	149.91
0103258	GC MICRO CORPORATION	141564	5/13/2013	219.82
0096213	GERALD T. AND CAROLE J. GUERNSEY	141566	5/13/2013	12,500.00
0095666	GLOBAL TELECOM & TECHNOLOGY	141565	5/13/2013	7,969.83
0097965	HARISH CHOUDHARY	141543	5/13/2013	11.19
0097494	HEATHER CROSS	141550	5/13/2013	52.76
0105488	HINES EDM, INC.	141571	5/13/2013	1,139.34
0105378	HOME MAID RAVIOLI COMPANY INC.	141572	5/13/2013	247.40
0018562	INEOQUEST TECHNOLOGIES, INC.	141574	5/13/2013	1,718.12
0000581	IRVINE & JACHENS INC.	141575	5/13/2013	76.67
0100872	JMARC JAVELOSA	141576	5/13/2013	10.66
0097048	JOHN CANALE	141538	5/13/2013	49.65
0097784	JOSE RIVAS	141616	5/13/2013	168.54
0018376	JT2 INTEGRATED RESOURCES	141578	5/13/2013	5,161.54
0000075	K-119 TOOLS OF CALIFORNIA INC.	141579	5/13/2013	30.11
0018415	KIMBERLY JURAN	141580	5/13/2013	1,000.00
0000317	L.N. CURTIS & SONS	141583	5/13/2013	1,323.45
0018561	LANCE BAYER	141584	5/13/2013	412.50
0018884	LAURA RUSSELL	141585	5/13/2013	500.00
0014262	LC ACTION POLICE SUPPLY	141586	5/13/2013	325.01
0105752	LEVEL 3 COMMUNICATIONS, LLC	141589	5/13/2013	2,709.60
0018777	LEXISNEXIS RISK DATA MANAGEMENT	141615	5/13/2013	111.45
0104424	LIDIA'S ITALIAN DELICACIES	141590	5/13/2013	1,982.50
0100376	LINDSEY PYRKOSZ	141611	5/13/2013	10.65
0098238	LOOT DROP INC.	141591	5/13/2013	2,250.00
0018177	LOWE'S	141592	5/13/2013	574.95
0100665	MARIA GUZMAN	141567	5/13/2013	8.22
0094271	MARY TESSIER	141632	5/13/2013	485.00
0102770	METLIFE	141594	5/13/2013	1,205.08
0103842	MICHAEL KRASICK	141581	5/13/2013	7.35
0016863	MIDWEST TAPE, LLC	141595	5/13/2013	52.92
0100645	MONICA V ANGUIANO	141520	5/13/2013	6.16
0014878	MOTOROLA	141596	5/13/2013	970.10
0095928	NATALIE DREES	141556	5/13/2013	16.42
0000357	NATIONAL CABLE TV CO-OP, INC.	141598	5/13/2013	8,689.62
0018319	NEAL MARTIN & ASSOCIATES	141599	5/13/2013	7,050.00
0015839	NOR-CAL SIGNS	141601	5/13/2013	74.08
0105238	NORTHERN SERVICES INC.	141602	5/13/2013	433.13
0092263	OFFICE DEPOT INC	141603	5/13/2013	709.04
0018701	ORKIN INC.	141604	5/13/2013	454.99
0000012	PACIFIC GAS & ELECTRIC	141605	5/13/2013	1,707.15
0098986	PATRICK LEE	141587	5/13/2013	24.64
0015163	PENINSULA SPORTS OFFICIALS ASSOC.INC.	141628	5/13/2013	624.00
0102915	PRECISE PRINTING & MAILING	141608	5/13/2013	3,396.54
0098436	PROFESSIONAL LAND SERVICES	141609	5/13/2013	2,695.00
0105548	PROVEN MANAGEMENT, INC.	141610	5/13/2013	13,294.00

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount	
0018598	QUALITY CODE PUBLISHING LLC	141612	5/13/2013	1,317.00
0094546	RECORDED BOOKS, LLC	141613	5/13/2013	223.41
0090749	RED WING SHOE STORE	141614	5/13/2013	137.33
0092120	ROBERT RUBIO	141617	5/13/2013	25.55
0099549	RODERICK CHO	141542	5/13/2013	1,240.00
0096209	RONALD CIMA	141544	5/13/2013	100.00
0099355	ROSIE HART	141569	5/13/2013	28.22
0018754	SAN FRANCISCO WINDOW & DOOR CO	141618	5/13/2013	242.53
0093465	SAN MATEO COUNTY SHERIFF	141619	5/13/2013	1,900.00
0018597	SAN MATEO DAILY JOURNAL	141620	5/13/2013	400.00
0017145	SAN MATEO LAWN MOWER SHOP	141621	5/13/2013	65.53
0015324	SAPLING ENVELOPE & PRINTING	141622	5/13/2013	457.80
0105748	SHUI HING CHEUNG	141541	5/13/2013	100.00
0001225	SIERRA PACIFIC TURF SUPPLY,INC	141625	5/13/2013	1,754.79
0091419	SOUTH BAY REGIONAL PUBLIC	141626	5/13/2013	1,355.00
0017508	SOUTH CITY LUMBER AND SUPPLY	141627	5/13/2013	488.87
0018554	SPRINT	141629	5/13/2013	15.00
0097079	SPRINT	141630	5/13/2013	1,692.00
0100060	SRINIVASAN NARAYANAN	141597	5/13/2013	16.78
0017016	SUPERCO SPECIALTY PRODUCTS	141631	5/13/2013	392.31
0097449	THYSSENKRUPP ELEVATOR CORP.	141633	5/13/2013	378.83
0018818	TOSHIBA BUSINESS SOLUTIONS CA	141634	5/13/2013	37.04
0000019	U.S. POSTMASTER	141635	5/13/2013	3,800.00
0018111	UNDERGROUND CONSTRUCTION	141636	5/13/2013	833.10
0018618	UNITED SITE SERVICES INC.	141637	5/13/2013	185.10
0098625	UPS	141638	5/13/2013	56.73
0102988	VANTAGEPOINT TRANSFER AGENTS	141639	5/13/2013	7,350.73
0095749	VERIZON WIRELESS	141640	5/13/2013	298.94
0099325	WHITNEYFUSION SWAG	141642	5/13/2013	3,096.57
0013841	WITMER-TYSON IMPORTS INC	141643	5/13/2013	794.66
0093908	WRISTBANDS MEDTECH USA INC.	141646	5/13/2013	107.45
0102630	XO COMMUNICATIONS, LLC	141647	5/13/2013	2,811.15
		GrandTotal:		212,395.15
		Total count:		139

05/20/13

CITY OF SAN BRUNO  
WARRANT REGISTER  
TOTAL FUND RECAP

FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$160,941.83
101	GAS TAX	\$1,434.44
132	AGENCY ON AGING	\$5,285.85
190	EMERGENCY DISASTER FUND	\$42,117.48
203	STREET IMPROVE. PROJECTS	\$2,632.35
207	TECHNOLOGY CAPITAL	\$107,704.19
611	WATER FUND	\$198,623.38
621	STORMWATER FUND	\$74.27
631	WASTEWATER FUND	\$20,806.28
641	CABLE TV FUND	\$287,793.95
701	CENTRAL GARAGE	\$7,283.53
702	FACILITY MAINT. FUND	\$1,819.93
703	GENERAL EQUIPMENT REVOLVING	\$555.90
707	TECHNOLOGY DEVELOPMENT	\$2,830.34
711	SELF INSURANCE	\$45,909.61
TOTAL FOR APPROVAL		\$885,813.33

HONORABLE MAYOR AND CITY COUNCIL:

THIS IS TO CERTIFY THAT THE CLAIMS LISTED ON PAGES NUMBERED FROM 1 THROUGH 3 INCLUSIVE, AND/OR CLAIMS NUMBERED FROM 141648 THROUGH 141790 INCLUSIVE, TOTALING IN THE AMOUNT OF \$885,813.33 HAVE BEEN CHECKED IN DETAIL AND APPROVED BY THE PROPER OFFICIALS, AND IN MY OPINION REPRESENT FAIR AND JUST CHARGES AGAINST THE CITY IN ACCORDANCE WITH THEIR RESPECTIVE AMOUNTS AS INDICATED THEREON.

RESPECTFULLY SUBMITTED,

  
FINANCE DIRECTOR

5/21/13  
DATE

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0018540 3M COMPANY	141648	5/20/2013	1,492.25
0017341 AARONSON DICKERSON, COHN & LANZONE	141694	5/20/2013	525.00
0096852 ABAG PLAN CORPORATION	141649	5/20/2013	17,052.10
0104680 ACCESS 24 COMMUNICATIONS INC.	141650	5/20/2013	206.05
0017053 ACCOUNTEMPS	141651	5/20/2013	6,058.00
0016708 ACOM SOLUTIONS, INC.	141652	5/20/2013	795.00
0016499 ACTION SPORTS	141653	5/20/2013	7,043.74
0000858 ADECCO EMPLOYMENT SERVICES	141654	5/20/2013	4,285.76
0001170 AIRGAS NCN	141655	5/20/2013	53.97
0000163 AIRPORT AUTO PARTS INC.	141656	5/20/2013	129.87
0018976 ALPHA ANALYTICAL LAB. INC.	141657	5/20/2013	1,196.00
0017359 AMERICAN EXPRESS	141658	5/20/2013	5,285.85
0000082 AMERICAN MESSAGING	141659	5/20/2013	19.87
0001202 ARAMARK UNIFORM SERVICES	141660	5/20/2013	325.03
0000118 ART'S PENINSULA LOCKSMITH	141661	5/20/2013	12.21
0014617 AT&T	141662	5/20/2013	111.14
0016123 AT&T	141663	5/20/2013	597.33
0018465 AT&T MOBILITY	141664	5/20/2013	45.45
0000345 BAKER & TAYLOR BOOKS	141665	5/20/2013	1,404.09
0096594 BAY AREA PAVING CO.	141666	5/20/2013	11,875.00
0001849 BAY AREA WATER SUPPLY & CONSERVATION AGEN	141770	5/20/2013	4,831.50
0103924 BEAR DATA SOLUTIONS, INC.	141667	5/20/2013	110,130.20
0018688 BEST BEST & KRIEGER LLP	141669	5/20/2013	3,863.77
0000378 BROADMOOR LANDSCAPE SUPPLY	141670	5/20/2013	104.86
0017434 BROWN & CALDWELL	141671	5/20/2013	11,205.25
0104049 CAROL COSTAKIS	141685	5/20/2013	251.55
0017843 CENTRAL COUNTY FIRE DEPT.	141673	5/20/2013	370.50
0105683 CENTURY MANUFACTURING CORP.	141674	5/20/2013	574.68
0000729 CERTIFIED LABORATORIES	141675	5/20/2013	1,769.40
0017284 CHEMSEARCHFE	141676	5/20/2013	386.50
0016324 CINTAS CORPORATION #464	141678	5/20/2013	210.92
0098588 CITY OF BURLINGAME	141679	5/20/2013	3,388.50
0000227 CITY OF SAN BRUNO	141680	5/20/2013	3,066.07
0017802 CLEANSOURCE, INC.	141681	5/20/2013	1,544.23
0105091 COLE SUPPLY CO., INC.	141682	5/20/2013	55.61
0098656 COMPLETE LINEN SERVICE	141683	5/20/2013	111.93
0000169 COSTA'S / "JUST THINGS"	141686	5/20/2013	114.45
0018480 COSTCO MEMBERSHIP	141687	5/20/2013	220.00
0015857 COUNTY OF SAN MATEO	141689	5/20/2013	76.00
0105729 CUIWEI CHEN	141677	5/20/2013	5,768.00
0090536 CWEA-SCVS	141690	5/20/2013	405.00
0104871 DAVID CLARK COMPANY, INC	141691	5/20/2013	401.50
0105755 DEBBIE'S SWIM SCHOOL	141692	5/20/2013	150.00
0093479 DEPARTMENT OF JUSTICE	141693	5/20/2013	128.00
0103830 DP NICOLI, INC.	141695	5/20/2013	654.00
0000198 EBSCO SUBSCRIPTION SVCS.	141696	5/20/2013	23.12
0001646 ECOLAB INC.	141697	5/20/2013	268.47
0017300 ENVIRONMENTAL HEALTH FEE	141699	5/20/2013	1,989.00
0000944 FEDEX	141700	5/20/2013	108.93
0105720 FIRST EQUITY	141701	5/20/2013	200.00
0001782 FLOWERS ELECTRIC & SVC.CO.INC.	141702	5/20/2013	1,945.33
0018117 FLYERS ENERGY, LLC	141703	5/20/2013	12,213.06
0096236 FOLGER GRAPHICS, INC.	141704	5/20/2013	4,089.62

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0014910 G & MAUTO BODY	141705	5/20/2013	500.38
0096932 GENESIS EMPLOYEE BENEFITS, INC	141706	5/20/2013	252.00
0104135 GLOBAL TRACKING COMMUNICATIONS, INC.	141774	5/20/2013	29.99
0000162 GRAINGER	141707	5/20/2013	579.89
0000541 GRANITE ROCK COMPANY	141708	5/20/2013	1,740.91
0095966 GREATAMERICA FINANCIAL SVCS.	141709	5/20/2013	404.33
0096316 GREEN CARPET LANDSCAPING & MAINTENANCE	141720	5/20/2013	83.00
0017880 ICE CENTER @ SAN MATEO	141710	5/20/2013	84.00
0018838 INFOSEND, INC.	141711	5/20/2013	4,690.20
0098964 JARVIS,FAY,DOPORTO&GIBSON, LLP	141712	5/20/2013	4,766.25
0095774 JENNIE PITSCH	141743	5/20/2013	32.00
0100372 JIM LONG	141721	5/20/2013	1,000.00
0094890 JOAQUIN M & ESTHER CANALES	141672	5/20/2013	1,000.00
0001846 JOHN WHITLINGER	141787	5/20/2013	1,144.00
0000771 JT2 INTEGRATED RESOURCES	141713	5/20/2013	20,375.51
0000075 K-119 TOOLS OF CALIFORNIA INC.	141714	5/20/2013	622.08
0018050 KAISER FOUNDATION HEALTH PLAN	141715	5/20/2013	3,666.00
0096379 KAREN OJAKIAN	141737	5/20/2013	599.30
0018326 KEN HALL	141716	5/20/2013	60.00
0018498 KONICA MINOLTA BUSINESS SOL.	141717	5/20/2013	555.90
0018728 KONICA MINOLTA BUSINESS SOLUTIONS	141729	5/20/2013	1,580.50
0000317 L.N. CURTIS & SONS	141719	5/20/2013	1,095.45
0096825 LAURIE LOO	141722	5/20/2013	539.50
0018177 LOWE'S	141724	5/20/2013	885.60
0097598 MARIA QUINTERO	141746	5/20/2013	49.00
0000376 MARILYN BENNETT	141668	5/20/2013	156.00
0103170 MARK WALKER	141784	5/20/2013	1,000.00
0017297 MARSH RISK & INSURANCE SERVICE	141725	5/20/2013	8,482.00
0100704 MARTY CARDONE	141726	5/20/2013	205.00
0018311 MEDCO SUPPLY COMPANY	141727	5/20/2013	306.95
0016041 METROMOBILE COMMUNICATIONS	141728	5/20/2013	124.45
0103600 MOMENTUM TELECOM, INC.	141730	5/20/2013	42,295.11
0000333 MOSS RUBBER & EQUIP. CORP.	141731	5/20/2013	186.19
0017289 MUNISERVICES, LLC	141732	5/20/2013	11,007.32
0000357 NATIONAL CABLE TV CO-OP, INC.	141733	5/20/2013	219,633.07
0100074 NICOLE KRUCZYNSKI	141718	5/20/2013	95.00
0018157 OCLC INC	141734	5/20/2013	320.63
0092263 OFFICE DEPOT INC	141735	5/20/2013	468.54
0018284 OFFICEMAX INC.	141736	5/20/2013	147.57
0000210 OLE'S CARBURETOR &ELECTRIC INC	141738	5/20/2013	653.64
0097567 ONE HOUR DRY CLEANING	141739	5/20/2013	153.00
0016320 P.C. SCHAFFER CO.	141740	5/20/2013	1,071.68
0000012 PACIFIC GAS & ELECTRIC	141741	5/20/2013	22,132.95
0092223 PENINSULA CORRIDOR JOINT POWERS BOARD	141684	5/20/2013	1,776.53
0001154 PENINSULA LIBRARY SYSTEM	141742	5/20/2013	53.78
0016828 PRECISION AUTO SERVICE	141745	5/20/2013	159.90
0000071 R & B COMPANY	141747	5/20/2013	591.72
0091044 R.A. METAL PRODUCTS, INC	141748	5/20/2013	8,728.00
0017111 RANDOM HOUSE INC	141749	5/20/2013	265.70
0090749 RED WING SHOE STORE	141750	5/20/2013	344.96
0016729 RICOH AMERICAS CORPORATION	141751	5/20/2013	417.01
0096458 RMC WATER AND ENVIRONMENT	141752	5/20/2013	557.50
0000022 ROBERT LOUIE	141723	5/20/2013	242.45
0016213 ROZZI REPRODUCTION&SUPPLY INC.	141753	5/20/2013	820.77

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0000569 SAN BRUNO AUTO CENTER, INC.	141754	5/20/2013	250.00
0000081 SAN BRUNO CABLE TV	141755	5/20/2013	144.08
0017807 SAN MATEO COUNTY CONTROLLER'S OFFICE	141688	5/20/2013	11,192.40
0090790 SAN MATEO COUNTY TIMES	141756	5/20/2013	76.80
0018597 SAN MATEO DAILY JOURNAL	141757	5/20/2013	1,200.00
0097410 SCREEND PRINTZ	141758	5/20/2013	741.81
0018461 SERRAMONTE FORD, INC.	141759	5/20/2013	1,256.86
0000074 SFPUC - WATER DEPARTMENT	141760	5/20/2013	161,914.62
0001225 SIERRA PACIFIC TURF SUPPLY,INC	141761	5/20/2013	336.94
0105745 SMELLY MEL'S PLUMBING	141762	5/20/2013	276.00
0105188 SOUTH CITY AUTO DETAILING	141763	5/20/2013	100.00
0097079 SPRINT	141764	5/20/2013	515.74
0017919 SQUARERIGGER SOFTWARE	141765	5/20/2013	1,680.00
0002039 STANDARD & POOR'S CORP.	141766	5/20/2013	325.00
0018072 STANDARD INSURANCE COMPANY	141767	5/20/2013	12,936.84
0014075 STATE BOARD OF EQUALIZATION	141768	5/20/2013	327.00
0014233 STATE CONTROLLER'S OFFICE	141769	5/20/2013	1,434.44
0000640 STATE PLUMBING & HEATING SUPPLIES	141744	5/20/2013	1,959.82
0018813 TANKO LIGHTING	141771	5/20/2013	1,461.38
0018073 TEAMSTERS LOCAL 350	141772	5/20/2013	2,458.50
0002025 TELECOMMUNICATIONS ENGINEERING ASSOCIATE	141698	5/20/2013	2,223.00
0000036 THOMSON WEST	141773	5/20/2013	501.80
0103783 TRAFFIX DEVICES, INC.	141775	5/20/2013	1,605.73
0017932 TRILLIUM USA INC.	141776	5/20/2013	28.14
0017133 TURBO DATA SYSTEMS INC	141777	5/20/2013	4,144.92
0018618 UNITED SITE SERVICES INC.	141778	5/20/2013	43.40
0102744 UNIVERSAL BUILDING SERVICES	141779	5/20/2013	326.00
0016835 US BANK NATIONAL ASSOCIATION	141780	5/20/2013	217.05
0018771 VAVRINEK TRINE DAY & CO LLP	141781	5/20/2013	10,000.00
0104256 VIBO MUSIC CENTER	141782	5/20/2013	441.60
0098917 VOLIKOS ENTERPRISES	141783	5/20/2013	229.50
0104660 WEST YOST ASSOCIATES, INC.	141785	5/20/2013	5,519.15
0018385 WFCB - OSH COMMERCIAL SERVICES	141786	5/20/2013	21.94
0018580 WILEY PRICE & RADULOVICH LLP	141788	5/20/2013	309.50
0096893 WILSEY HAM	141789	5/20/2013	39,744.50
0104033 ZCORUM, INC.	141790	5/20/2013	22,002.00
		<b>GrandTotal:</b>	<b>885,813.33</b>
		<b>Total count:</b>	<b>143</b>



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

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DATE: May 14, 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 May 10, 2013 is recommended. The Labor Summary report reflecting the total payroll amount of \$1,323,454.56 for the bi-weekly pay period ending May 5, 2013 is attached.

**LABOR SUMMARY FOR PAY PERIOD ENDING : May 5, 2013**

**pyLaborDist**

**05/10/13**

Fund: 001 - GENERAL FUND	1,019,357.43
Fund: 122 - SOLID WASTE/RECYCL.	1,657.28
Fund: 153 -RDA OBLIGATION RETIREMENT FUND	5,986.38
Fund: 190 - EMERGENCY DISASTER FUND	20,616.24
Fund: 201 - PARKS AND FACILITIES CAPITAL	2,373.58
Fund: 207 - TECHNOLOGY CAPITAL	5,920.52
Fund: 203 - STREET IMPROVE. PROJECTS	1,144.39
Fund: 611 - WATER FUND	69,213.31
Fund: 621 - STORMWATER FUND	13,677.42
Fund: 631 - WASTEWATER FUND	50,700.40
Fund: 641 - CABLE TV FUND	83,260.15
Fund: 701 - CENTRAL GARAGE	10,397.01
Fund: 702 - FACILITY MAINT.FUND	20,875.84
Fund: 707 - TECHNOLOGY DEVELOPMENT	11,866.28
Fund: 711 - SELF INSURANCE	6,408.33
<b>Total</b>	<b>\$1,323,454.56</b>



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

**DATE:** May 28, 2013

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

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

**SUBJECT:** Waive Second Reading and Adopt Ordinance Repealing Chapter 4.40 (Massage Establishments) and Enacting New Chapter 4.40 (Massage Establishments)

### BACKGROUND:

In 2008, the State 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.

In 2009, the City of San Bruno amended its massage establishment ordinance to conform to state law, implementing a two-tier regulatory system for massage practitioners, depending on whether the massage practitioners were, or were not, CAMTC-certified.

In 2011, the State Legislature amended the CAMTC statute, further constraining local regulation, and preempting some provisions of those ordinances, as detailed in the staff report for the April 23, 2013, City Council meeting.

The City's current massage ordinance 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

At the April 23, 2013 City Council meeting, a draft ordinance was presented for review and comment. The ordinance contained these key elements:

- Requires all massage practitioners to become state-certified and all massage establishments to employ only state-certified massage practitioners;

7.c.

- 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, 2015, the current sunset date applicable to the state law.

Prior to the meeting, staff distributed the Staff Report and Draft Ordinance to all owners of massage establishments as well as all property owners who lease space to massage establishments. Staff received no written comments, and no business or property owners appeared at the April 23, 2013, meeting.

The Director of Governmental Affairs for the CAMTC, Beverly May, did attend the meeting, and expressed general support on behalf of the CAMTC for the ordinance. She offered several suggestions and comments, which staff has reviewed; those recommended by staff, as well as some other clean-up changes, were incorporated in the revised draft ordinance.

On May 14, 2013, the City Council held a Public Hearing prior to introduction of the revised ordinance. Staff had previously distributed the staff report and ordinance to the same individuals and entities that had received the April 23 staff report. There were no public comments at the May 14 meeting. The City Council then voted to introduce the ordinance.

#### **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. As noted in the oral staff report at the last meeting, the new state law amendments constrain local measures to prevent or deter illegal activity, and result in reactive investigative methods to identify establishments and practitioners engaged in illegal activities. This will likely necessitate additional resources in the Police Department for criminal investigations, and additional expenditures from the City Attorney's outside counsel budget for civil enforcement. Additional staff time and attention in the Community Development (Zoning and Code Enforcement) and Finance departments may also be necessary to adequately monitor and enforce the ordinance requirements.

**ALTERNATIVES:**

1. Make additional changes to the proposed ordinance prior to adoption. If the changes are significant, re-introduction of the ordinance would be required.

**RECOMMENDATION:**

Waive Second Reading and Adopt Ordinance Repealing Chapter 4.40 (Massage Establishments) and Enacting New Chapter 4.40 (Massage Establishments)

**DISTRIBUTION:**

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

**ATTACHMENTS:**

1. Ordinance Repealing Chapter 4.40 (Massage Establishments) and Enacting New Chapter 4.40 (Massage Establishments)

**DATE PREPARED:**

May 16, 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  
(MASSAGE 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. Certificates Of Registration – Expiration, Denial, Revocation, Suspension, and 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.
- 4.40.220 Re-opening of establishment at same location once closed.

#### Article 5. Miscellaneous

- 4.40.230 Public nuisance.
- 4.40.240 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 responsible managing 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 and all certified massage practitioners, 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 ten (10) 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.

**4.40.100 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      **Message 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 ten (10) 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 immediately 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 the 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 immediately suspend, or revoke Certificates of Registration issued to individuals upon the following grounds:

1. A Registered Certificate Holder is no longer in possession of a current and valid State Certification;
  2. A Registered Certificate Holder has made a material misrepresentation on the application for the Certificate of Registration or renewal;
  3. A Registered Certificate Holder has engaged in conduct 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;
  4. 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;
  5. A Registered Certificate Holder has failed to comply with one or more of the health and safety requirements under this chapter;
  6. A Registered 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 the immediate suspension or proposed revocation. 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. The city may provide notice of such suspension or revocation to the owner of the massage establishment and/or the owner of the property, and advising them that the Registered Certificate Holder may not engage in massage on the premises during the period of suspension or after revocation.

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.

**4.40.220 Re-opening of establishment at same location once closed.**

No massage establishment shall be re-established at a location where a massage establishment was closed due to conduct that violated any of the provisions of this Chapter for one year.

**ARTICLE 5. Miscellaneous**

**4.40.230 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.

**4.40.240 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, 2015, or such other time as may be established thereafter by Cal. Business & Professions 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

---o0o---

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

**RESOLUTION NO. 2013 – XX**

**RESOLUTION TEMPORARILY CLOSING CERTAIN STREETS IN CONNECTION WITH THE 73rd ANNUAL POSY PARADE ON JUNE 2, 2013 AND AUTHORIZING USE OF CITY PARK BALL FIELDS AND POLICE DEPARTMENT ASSISTANCE WITH TRAFFIC CONTROL**

**WHEREAS**, the 73rd Annual Posy Parade will be held on Sunday June 2, 2013 in the City of San Bruno between the approximate hours of 12:00 noon and 4:00 p.m., between the intersection of Kains Avenue and San Mateo Avenue and City Park; and

**WHEREAS**, the San Bruno City Council finds and declares, pursuant to California Vehicle Code Section 21101, that the closing of certain streets in connection with such parade is necessary for the safety and protection of persons who are to use certain portions of such streets during such temporary closing;

**NOW, THEREFORE, RESOLVED** by the San Bruno City Council that the following streets or portions thereof shall be closed to vehicular traffic, except as to those units participating in such parade, on June 2, 2013 between the hours of 12:00 noon and 4:00 p.m., except under such circumstances in which the Chief of Police or his designated representative(s) or authorized personnel find that vehicular traffic may use such streets or portions thereof without interfering with the safety or functioning of the units participating in such parade.

1. Kains Avenue between El Camino Real/San Mateo Avenue
2. San Mateo Avenue between El Camino Real/Kains Avenue
3. Angus Avenue between El Camino Real/San Mateo Avenue
4. Sylvan Avenue between El Camino Real/San Mateo Avenue
5. Jenevein Avenue between El Camino Real/San Mateo Avenue
6. Crystal Springs Road between El Camino Real/City Park entrance
7. El Camino Real between San Mateo Avenue/Crystal Springs Road

---oOo---

I hereby certify that foregoing Resolution No. **2013 – XX** was introduced and adopted by the San Bruno City Council at a regular meeting on May 28, 2013, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

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Carol Bonner, City Clerk

*T.d.*

**Carol Bonner**

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**From:** matthew sum [mailto:matthew.sum@cityofsanbruno.com]  
**Sent:** Monday, May 13, 2013 10:31 AM  
**To:** Carol Bonner  
**Subject:** Resignation as Citizen Crime Prevention Committee

Dear Carol and Robert

This is Matthew Sum, a Crime Prevention committee member with City of San Bruno. I would like to inform you that I am resign from the committee. The reasons due to conflict with my schedules and works related responsibilities that requires travel frequently. It kept me out to serve the committee fully and efficiently.

I hope there will be an opportunity to serve the City of San Bruno again when situation change in the future. Thank you very much

Matthew Sum

*T.e.*



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

**DATE:** May 28, 2013

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

**FROM:** David Woltering, Community Development Director  
Klara A. Fabry, Public Services Director

**SUBJECT:** Adopt Resolution Authorizing the Closure of San Mateo Avenue between Jenevein Avenue and Sylvan Avenue on Sundays from June 9, 2013 through November 24, 2013 between the Hours of 7:00 a.m. and 4:00 p.m. and Waiving Specified City Permit Fees for the San Bruno Chamber of Commerce Farmers' Market

### BACKGROUND

The San Bruno Chamber of Commerce is requesting waiving of City permit fees and authorization for the closure of San Mateo Avenue between Jenevein Avenue and Sylvan Avenue on Sundays from June 9, 2013 through November 24, 2013 between the hours of 7:00 a.m. and 4:00 p.m. to operate a Farmers' Market at this location. The Farmers' Market would be open to the public between the hours of 10:00 a.m. and 2:00 p.m., with set-up and clean-up to occur in the hours before and after that time period. The market will feature locally grown fruits and vegetables, packaged foods, and live music. There would be approximately 40 booths for vendors. The vendor booths would be 10'x10' or 10'x20' in size. The Chamber is proposing to bring this event back to San Mateo Avenue after moving it from this location to the Tanforan Shopping Center last year. The downtown location proved to be much more successful.

The City received a detailed letter (See Attachment 2) from the San Bruno Chamber of Commerce that describes its proposal to hold the Farmers' Market. In these materials, the Chamber indicates the benefits of this proposed event, including fostering community connections, encouraging healthy food choices, and assisting to revitalize the downtown. It is anticipated that the event collectively will bring thousands of additional patrons to the downtown during the six months it would operate. The Chamber has identified a new operator, the West Coast Farmer's Market Association (WCFMA), to manage the Farmers' Market. WCFMA has considerable experience in this field of work and successfully operates six Certified Farmers' Markets around the San Francisco Bay Area, representing six market days a week.

The proposed Farmers' Market would be located within the street, and, therefore, requires the street to be closed during the event. The street must also be closed before and after the event for set-up and clean-up purposes. In accordance with the San

7.F.

Bruno Municipal Code, street closures require the City Council to adopt a resolution authorizing the street closure. Staff has been working closely with the San Bruno Chamber of Commerce to plan for this event. This effort has included working with staff members from pertinent City departments, including the Police Department and Fire Department, to draft conditions of approval for the operation of the Farmers' Market (See Attachment 3). The draft conditions of approval include specific conditions recommended by the various departments.

## **DISCUSSION**

Customers would utilize downtown street parking and City parking lots. In addition, Bank of America and Citibank have also offered their parking lots for customer use, as the banks are not open on Sundays. Traffic detour signs would be posted consistent with the route shown in applicant's proposal statement (See Attachment 2). The operator of the Farmers' Market, WCFMA, would be responsible for placing directional signage to assist customers in finding convenient parking locations.

Also, WCFMA would be responsible for setting up for the event, including putting up the barricades, detour signs, parking signs, and providing adequate trash and recycling services, as well as for cleaning up after the event. Additionally, as mentioned above, staff has prepared draft conditions of approval, including conditions recommended by the Police and Fire Departments, to manage the event.

Similar to prior years, the City would utilize San Bruno Cable, the City's website, and, generally, assist the Chamber in marketing the event to the public. The Chamber has requested assistance from the City in a variety of areas in its proposal statement. There are some areas in which staff suggests clarification as follows:

- Staff will work closely with the applicant on determining the specific marketing and advertising options that are timely and feasible;
- The City does not have the authority to allow "A" Frame signs on El Camino Real; and,
- Application fee waivers need to be approved by the City Council and can only pertain to those fees charged by the City.

If the City Council approves the street closures, the applicant will also be responsible for obtaining several City permits, including an encroachment permit, a Special Event permit, an amplified music permit, and electrical permits. Staff estimates these permit fees to be under \$2,000.

## **FISCAL IMPACT**

The Chamber of Commerce is sponsoring the event in conjunction with the West Coast Farmer's Market Association. Some staff time will be required for assisting to coordinate and to help promote the event. In prior years, staff time spent was minimal after the first few weeks of the market when customers became familiar with event operations. The

Farmers' Market operator would need to obtain a blanket business license for the various vendors of the market. It is expected that the market will result in increased customer traffic to nearby businesses, which should result in a modest increase to sales tax revenue. Waiving the permit fees for the base City permits for the Farmers' Market would be under \$2,000, as described above.

**ALTERNATIVES**

1. Do not approve the street closure and/or the fee waiver.
2. Place additional conditions on the street closure.
3. Do not approve the Farmers' Market.

**RECOMMENDATION**

Adopt Resolution Authorizing the Closure of San Mateo Avenue between Jenevein Avenue and Sylvan Avenue on Sundays from June 9, 2013 through November 24, 2013 between the Hours of 7:00 a.m. and 4:00 p.m. and Waiving Specified City Permit Fees for the San Bruno Chamber of Commerce Farmers' Market

**DISTRIBUTION**

San Bruno Chamber of Commerce

**ATTACHMENTS**

- 1 Street Closure and Fee Waiver Resolution
- 2 San Bruno Chamber of Commerce Proposal Statement, dated May 7, 2013
- 3 Draft Street Closure Conditions of Approval (2013)

**DATE PREPARED**

May 23, 2013

**REVIEWED BY:**

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

RESOLUTION NO. 2013 -

**A RESOLUTION AUTHORIZING THE CLOSURE OF SAN MATEO AVENUE  
BETWEEN JENEVEIN AVENUE AND SYLVAN AVENUE ON SUNDAYS FROM  
JUNE 9, 2013 THROUGH NOVEMBER 24, 2013 BETWEEN THE HOURS OF 7:00  
A.M. AND 4:00 P.M. AND WAIVING SPECIFIED CITY PERMIT FEES FOR THE SAN  
BRUNO CHAMBER OF COMMERCE  
FARMERS' MARKET**

**WHEREAS**, the San Bruno Chamber of Commerce has requested authorization for a street closure for a weekly Farmers' Market be held on Sundays from June 9, 2013 through November 24, 2013 between the hours of 10:00 a.m. and 2:00 p.m. on San Mateo Avenue between Jenevein Avenue and Sylvan Avenue;

**WHEREAS**, in order to allow enough time for set up and clean up, the above streets should be closed between the hours of 7:00 am and 4:00 pm on Sundays from June 9, 2013 through November 24, 2013;

**WHEREAS**, the San Bruno Chamber of Commerce has entered into agreement with the West Coast Farmer's Market Association (WCFMA) to operate the Farmers' Market;

**WHEREAS**, an encroachment permit will be issued to the WCFMA that includes conditions on the event and the street closures;

**WHEREAS**, the San Bruno City Council finds and declares, pursuant to California Vehicle Code Section 21101, that the closing of certain streets in connection with this event is necessary for the safety and protection of persons who are to use certain portions of such streets during such closing;

**WHEREAS**, as part of its request for authorizing street closure, the Chamber of Commerce requested waiver of City permit fees for the Farmers' Market event;

**WHEREAS**, staff anticipates the applicant would be responsible for obtaining several City permits, including an encroachment permit, a special event permit, an amplified music permit, and electrical permits for this event, with an estimate for these permit fees to be under \$2,000; and

**WHEREAS**, there are multiple benefits to holding this event in the community including, but not limited to, re-enforcing community connections, encouraging healthy food choices, and assisting to revitalize the City's downtown.

**NOW, THEREFORE, RESOLVED** by the San Bruno City Council that the following streets or portions thereof on the following dates shall be closed to vehicular traffic between the hours of 7:00 am and 4:00 pm, except as to those units participating in such event, and except under such circumstances in which the Chief of Police or his designated representative(s) or authorized personnel find that vehicular traffic may use such street or portions thereof without interfering with the safety or functioning of the units participating in such event:

- San Mateo Avenue between Jenevein Avenue and Sylvan Avenue each Sunday from June 9, 2013 through November 24, 2013.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the San Bruno City Council that there are community benefits to the proposed Farmers' Market that warrant approving City permit fee waivers for an encroachment permit, a special event permit, an amplified music permit, and electrical permits for this event, not to exceed \$2,000.

--oOo--

I hereby certify that foregoing **Resolution No. \_\_\_**  
was introduced and adopted by the San Bruno City Council at a regular meeting  
on May 28, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Mayor

ATTEST:

---

Secretary



# San Bruno Chamber of Commerce

Attachment 2

*Strengthening the Business Community Since 1942*

Volunteer Fireman's Hall | 618 San Mateo Avenue | San Bruno, CA 94066

May 7, 2013

City of San Bruno  
ATTN: Mr. David Woltering, Community Development Director  
567 El Camino Real  
San Bruno, CA, 94066-4299

Dear Mr. Woltering:

The San Bruno Chamber of Commerce (Chamber) is requesting that the City of San Bruno (City) grant our request for closing San Mateo Avenue from Sylvan to Jenevein from 8:00 a.m. to 4:00 p.m. on Sundays starting the second Sunday in June through the last Sunday in November for the holding of the Chamber sponsored Farmers Markets to be run by the West Coast Farmer's Market Association (WCFMA). No parking would be allowed on the single block of San Mateo Avenue starting at 7 a.m. to allow for the possibility of needing the San Bruno Police Department to deal with any parked vehicles before the vendors arrive at 8:00 a.m. to set up for our 10:00 a.m. opening. Selling will conclude at 2:00 p.m. and the vendors will have until 4:00 p.m. to remove their produce and stall equipment. The street will be opened as soon as it is safe to do and no later than 4:00 p.m.

Through a partnership with the City, the Chamber, and the WCFMA, we will continue to accomplish our five goals:

1. To build community goodwill and improve its image by hosting a first-class Farmers' Market,
2. To create a marketplace that is inviting, friendly, safe, and fun and in addition to being popular with consumers, profitable for producers, and supportive of local businesses and community organizations. (We did a small non-scientific community survey, including some San Mateo businesses, and we found a lot of support for a Sunday 10:00 a.m. to 2:00 p.m. market on San Mateo Avenue.) San Mateo Avenue (The Avenue) businesses contacted and residents are excited about bringing the Farmers' Market back to the Avenue and to bringing more activities to downtown San Bruno.
3. To use the Sunday Markets as a venue to foster community connections, to encourage healthy food choices, and to support local businesses (statistics show that 60% of market attendees continue to shop the downtown).
4. To support the long term sustainability of a Farmers' Market. and
5. To assist in the revitalization of the downtown area.

Office (650)588-0180 | Fax (650)588-6473 | office@sanbrunochamber.com | www.sanbrunochamber.com



~SAN MATEO~  
CREDIT UNION



**Background on the WCFMA:**

- 1. WCFMA is a non-profit corporation dedicated to establishing and maintaining successful Certified Farmers' Markets around the Greater San Francisco Bay Area.**
- 2. In 2012, WCFMA operated six (6) Certified Farmers' Markets around the San Francisco Bay Area, representing six (6) market days weekly. These markets give farmers and other agricultural producers direct access to consumers; gives consumers direct access to fresh, locally grown produce; and serve as sites for community gatherings.**
- 3. WCFMA is led by a professional staff with extensive experience in California's Certified Farmers' Markets. WCFMA will dedicate an employee to serve as the Market Manager for the San Bruno's Farmers Markets. This individual will serve as the liaison between the Chamber's administration, the producers who sell in the market, the public officials who certify and inspect the Farmers' Market, the City (as required), and WCFMA.**
- 4. WCFMA's strength, experience, and leadership have contributed to the organization's fiscal strength. To protect itself and its sponsors, WCFMA will maintain a general liability insurance policy in the amount of \$1,000,000.00, listing as additional insured, each of the Certified Farmers' Markets WCFMA operates, and each of the property owners of the facilities on which the markets operate and the City in which the market operates and the Chamber of Commerce with whom WCFMA works.**

**In addition, WCFMA and each property owners of the facilities on which WCFMA operates markets jointly develop a license agreement that defines their respective roles and responsibilities. Through this document, WCFMA provides an additional level of protection for the property owners by agreeing to accept liability for incidents that may occur during the markets' operation.**

**The Chamber is proposing that the booths be set up immediately next to the sidewalks on both sides of the Avenue between Jenevein and Sylvan so that people flow down the center of the street and allowing for emergency access down the center of the street. The center twenty (20) feet will be kept free and clear.**

**WCFMA and the Chamber are providing only a ten foot by ten foot or ten foot by twenty foot space for each vendor and information provider. Vendors and information providers requiring a special size space will need to have their needs approved by the WCFMA, the Chamber, and the City. All vendors and information providers are required to provide all tables, chairs, and display equipment required for their booth.**

**No animals are allowed in the market area except for certified Service Dogs.**

WCFMA will monitor that all canopies uses by the vendors and information providers have sufficient canopy leg weights so that the canopies should not blow over in winds that may come up. Leg weights will be such that they will not present a safety hazard to the vendor or shoppers. Vendors and information suppliers with canopies not having the required leg weights will NOT be allowed to set up. The City's Community Development Director or his designee and the Fire Department will have the authority to close down any vendor with insufficient or unsafe canopy leg weights or weights.

If a popcorn or kettle corn vendor is present at the market, WCFMA will position this vendor as the last vendor in one of the four (4) end booth spaces. Only one such vendor is allowed on any Sunday. WCFMA will maintain a minimum of one 10 foot by 10 foot vacant space between the popcorn / kettle corn vendor and the next vendor or information provider booth. The San Bruno Fire Department has authorization to close down this vendor should they observe unsafe conditions. This vendor is required to have his/her own fire extinguisher.

WCFMA will place three 2A10BC certified fire extinguishers as follows:

1. One at the North end of the row vendors on the East side of the street
2. One at the South end of the row of vendors on the West side of the street
3. One in front of the approximate center booth of the row of vendors on the side opposite of the side of the popcorn / kettlecorn vendor (if present) otherwise on the West side.
4. These fire extinguishers will be so placed and marked so as to be easily seen.
5. No fires are allowed in the market area except by the popcorn / kettle corn vendor (if present).
6. The San Bruno Fire Department retains the authority to re-direct placement of these fire extinguishers.

Nothing will be deposited into the gutter areas along the Avenue nor poured down or placed into the street storm drain openings.

All utensils used to prepare for sampling or to display samples will be washed as required by the San Mateo County Environmental Department. All water used for this purpose will be retained and removed from the site after each market session. Product for sampling will be displayed as required by the San Mateo County Environmental Department. Samples found by WCFMA and or the City being improperly displayed will be immediately removed.

No electrical connections, by running a cord across the rear of the booth sidewalk into a business, is allowed.

All play equipment for kids, such as inflatable jumpies, will be set up as required by the City and the City's Fire Department and any generator(s) and other equipment used must meet City and City Fire Department requirements. All play equipment will be placed at the opposite end of the

line of booths than that of the popcorn / kettle corn vendor (if present). WCFMA will position this equipment in the last space at one or multiple ends of the row of booths. WCFMA will so place these vendors as to keep the City and Fire Department required empty space between them and the next vendor space.

The Chamber has obtained verbal agreement from both Bank of America and Citi Bank to use their parking lots on our Farmers' Market Sundays as they allowed in 2009, 2010, and 2011. Both banks may post appropriate signage. The Chamber has received written confirmation from Citi Bank and the same from BofA has been requested. There are additional City parking lots within walking distance of the market area. Parking is shown on Exhibit C.

Traffic detour signs will be posted consistent with the route shown in Exhibit B. WCFMA will be responsible for placing directional signage to assist shoppers in finding convenient parking locations. Detour routes are shown in Exhibit B. Roadblocks are shown in Exhibit B, at San Mateo Avenue & Sylvan and at San Mateo Avenue & Jenevein.

Vehicles heading East on Jenevein will be directed Right (South) onto San Mateo Avenue.

Vehicles heading North on San Mateo Avenue will be directed Left (West) onto Jenevein.

Vehicles heading South on San Mateo Avenue will be directed Left (East) or Right (West) onto Sylvan.

The San Bruno Police Department has the authority to direct WCFMA to modify the directional signage.

Any modifications to the conditions of this encroachment permit shall require the approval of the City's Public Services Director.

This encroachment permit shall be valid for markets held on Sundays between June 9<sup>th</sup> 2013 and November 24<sup>th</sup> 2013. The applicant shall apply for a new encroachment permit on an annual basis.

City proposed resource commitments:

1. The City will waive all City permits and other fees relating to our 2013 Certified Farmers' Market events.
2. The City will grant WCFMA authorization to operate our seasonal Farmers' Markets between the 2<sup>nd</sup> Sunday in June 2013 and the last Sunday in November 2013.
3. The City will authorize the City Manager to sign those documents requested by WCFMA showing WCFMA's authority to operate the San Bruno Farmers' Market in applying for WCFMA permits and insurance coverage.

4. Support by police services: Previously our Avenue location did not require extra policing and we are anticipating no extra policing needs this season.
5. Support the market (1) through one no-cost advertisement in the City's Park & Recreation publication, (2) through one no-cost article in the City's Focus Newsletters, (3) through no-cost advertising on the City's Cable Channel 1, (4) through at least one no-cost advertising insert in the City's water bill, (5) through some no-cost advertising on the City's Marquis on San Mateo Avenue and El Camino, (6) through no-cost listing(s) on the City's web site, and (7) in other possible no-cost ways.
6. The City will order and pay for and install at their cost any required permanent No Parking signs listing Sundays from the second Sunday in June through the last Sunday in November for placement on the single block of the Avenue between Jenevein and Sylvan.
7. The City will approve the placement on Farmers' Market Sundays of small "A" Frame signs in the median of El Camino Real at the North and South bound directions at Jenevein and at North bound Sylvan and ECR intersection pointing to the Farmers' Market location. These signs will be allowed only during the hours of 7 a.m. and 2 p.m. on the Sundays' of the markets.
8. The City will approve the use of their portable electronic sign board a few days before opening Sunday June 9<sup>th</sup> (or the actual opening day) to advertise our Grand Opening.

**WCFMA resource commitments:**

1. WCFMA will obtain (at their cost) all Health Department and all Environmental Health permits required
2. WCFMA will obtain (at their cost) \$1,000,000.00 in liability coverage (acceptable to the City) listing the City and the Chamber as additional insured for the duration of the 2013 seasonal Farmers' Markets.
3. WCFMA is completely self-contained. They will set-up the barricades as directed by the City before the Farmers' Markets and remove and store them afterwards. The City will be asked if a site can be approved where these street closing barricades can be stored between markets in San Bruno. It is anticipated that the City MAY be asked for assistance, at least in the beginning with the required street closings.
4. No cleaning resources will be required from the City. WCFMA conducts all clean-up after the event, often leaving the area cleaner than its original state.
5. In addition to maintaining general liability insurance for the market, naming the City and the Chamber as additional insurers, WCFMA will include in its license agreement with

the Chamber and the City language that will provide additional assurance that WCFMA will assume responsibility for liabilities that may occur as a result of the market's presence. WCFMA will defend and hold harmless the Chamber and the City from any claim or liability arising in connection with operation of the markets.

6. WCFMA will provide the Chamber newspaper advertisements including the possible use of coupons so we can measure the ads effectiveness.
7. WCFMA's EMERGENCY EVACUATION PLAN is attached herewith and will be provided to and discussed with each vendor before they initially set up (whether food or information providers). Exhibit A
8. Amplification for limited music will be restricted to using battery powered equipment and we envision a single or at the maximum two person units. Volume will be monitored by WCFMA and any City staff on site and the level will be adjusted to allow talking in the adjacent booth(s). Exception would be on a case by case permitted basis should we desire to have, for example, a school vocal group perform for a part of a specific Sunday.

**Chamber resource commitments:**

1. The Chamber will include prominent placement on their front page of their web site upcoming information on the Farmers' Market activities and special happenings.
2. The Chamber will include notification in their weekly E=Mail blasts to their members and to their expanded E=Mail recipients timely updates on the Sunday Farmers' Market activities and special happenings.
3. The Chamber will work with WCFMA to develop and promote "Special Sundays" – such as the First Sunday each month in an attempt to bring more shoppers to the Avenue area.
4. The Chamber will coordinate with WCFMA and the City and together all three will share the costs to mail through the US Post Office a post card to all San Bruno addresses between El Camino Real on the West, Crystal Springs Road (and an imaginary extension line west from ECR to highway 101 on the South, San Bruno Avenue on the North, and Seventh Avenue on the East announcing the Grand Opening on our 1<sup>st</sup> Sunday Farmers' Market.

## IMPLEMENTATION:

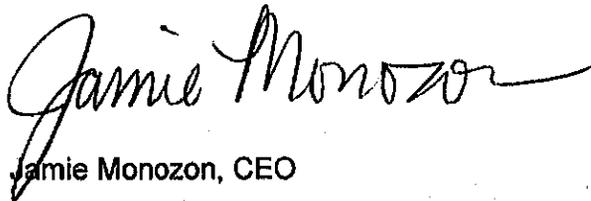
1. WCFMA will operate a Certified Farmers' Market and an adjacent area in which non-agricultural products will be sold.
2. WCFMA will develop and implement a marketing, advertising, and special event schedule for the markets to help attract and retain customers and vendors.
3. WCFMA will partner with the San Bruno Chamber of Commerce to provide space in the market at no charge to members of the Chamber to promote their goods and services to Farmers' Market shoppers.
4. WCFMA will partner with the City to provide space in the market at no charge to the City's Boards, Commissions, Committees, and Departments to provide information on their groups of interest to shoppers. Space can also be provided to similar County entities. There will be a limited number of these spaces available each Sunday (on a first come basis confirmed through the Chamber).
5. WCFMA will include links to the San Bruno Chamber of Commerce on the San Bruno Farmers' Market pages on the WCFMA website and in regular email newsletters sent to Farmers' Market shoppers.
6. The Chamber will work with WCFMA to promote the market by creating a link from the Chamber website to the homepage of the WCFMA's San Bruno Farmers' Market page.
7. WCFMA anticipates that up to 30 fruit and vegetable vendors will participate weekly
8. WCFMA anticipated that up to 6 packaged food vendors (not fresh fruit and fresh vegetable) will participate weekly
9. WCFMA will work with the Chamber if the 30 + 6 mix needs to be modified
10. WCFMA anticipates that every Sunday, the Chamber will be allowed to utilize for their members, or City or County committees, schools, or similar groups 4 sites for their promotion (no sales).
11. With agreement between WCFMA and the Chamber, the total mix of vendors and Chamber booth spaces can be adjusted which could provide more than 4 booth spaces for use by and directed by the Chamber.
12. The attached site diagram and map shows the details of our layout.
13. We are working to obtain written authorization from one business on each side of the block authorizing access to their ADA rest rooms for the use of the vendors so that we can provide ADA restroom access within the required 400 feet limitation.
14. WCFMA will direct all vendor to park their emptied vehicles in one of the lots fronting Mastick (see diagram)

15. WCFMA will direct shoppers to park in either the BofA or Citi Bank parking lots.
16. WCFMA and the Chamber will visit each of the businesses on the block of San Mateo Avenue prior to opening Sunday to discuss with each what will be happening. A Chamber and WCFMA handout will be provided with Q&As.

In conclusion, the San Bruno Chamber of Commerce requests that the City of San Bruno permit the closing of San Mateo Avenue between Sylvan and Jenevein from 7:00 a.m. until 4:00 p.m. on Sundays starting the second Sunday in June 2013 and extending through the last Sunday in November 2013 for the holding of our 2013 Certified Farmers' Market events.

The San Bruno Chamber of Commerce is available to answer any questions the City of San Bruno may have.

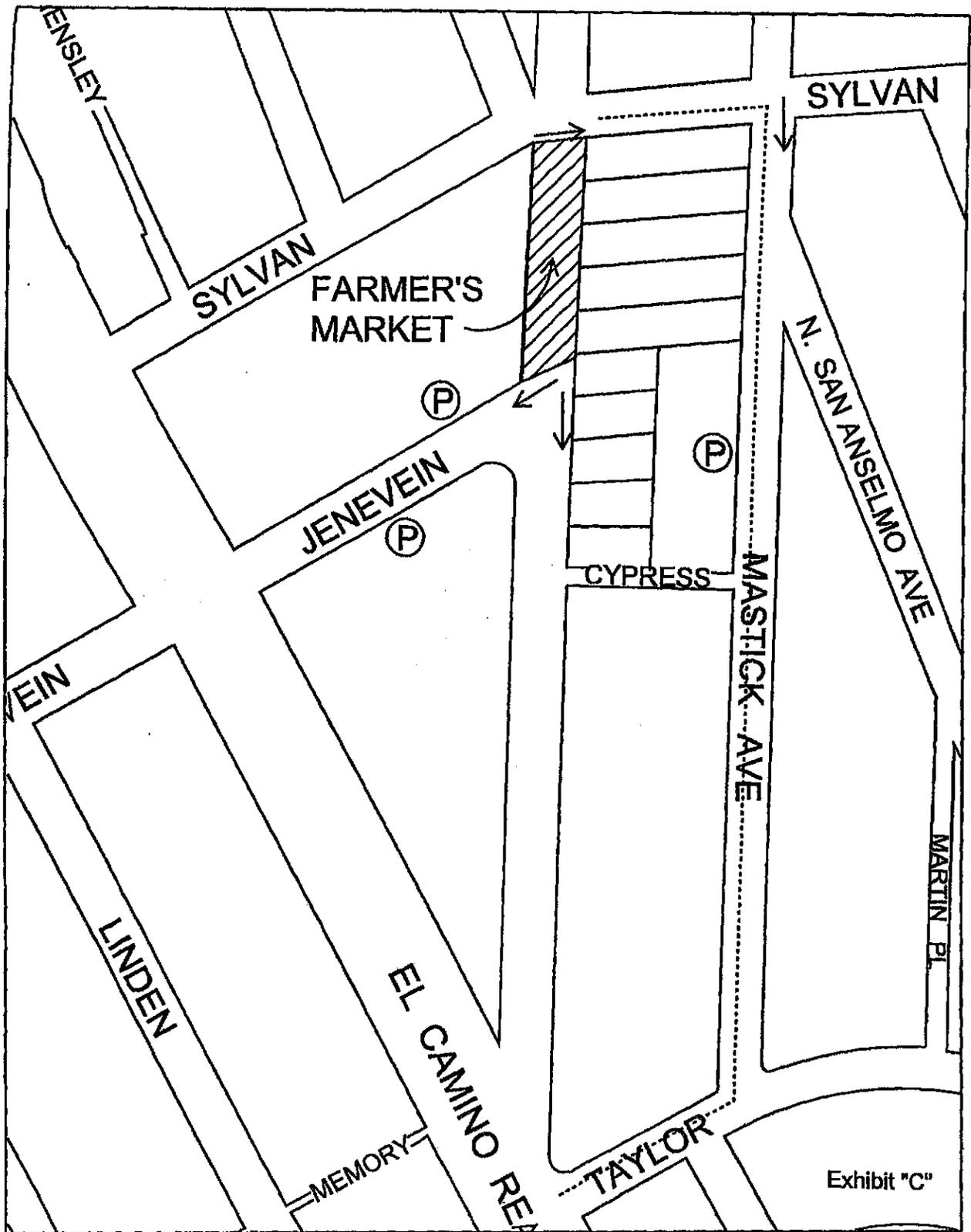
Respectively submitted,



Jamie Monozon, CEO

**Attachments:**

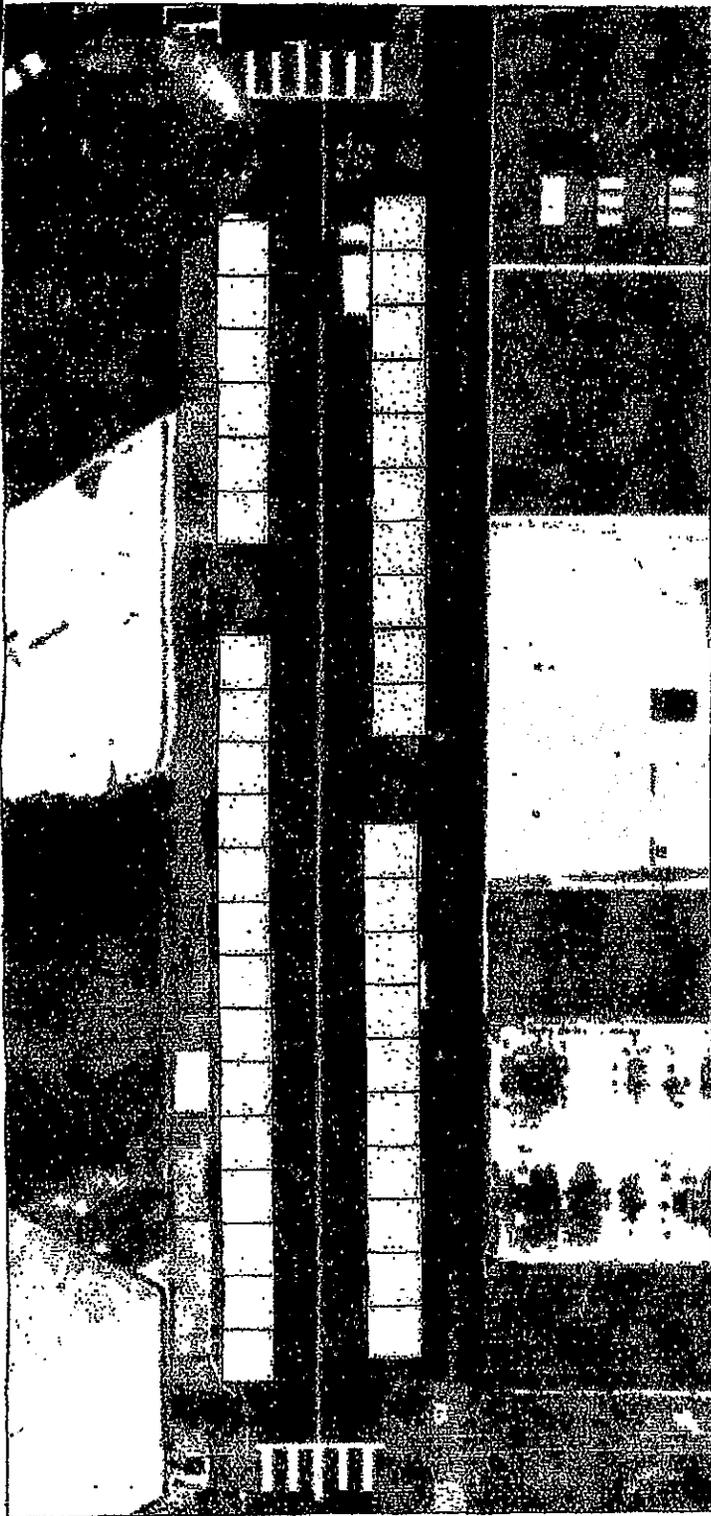
1. Site Map
2. Site Booth Layout
3. Directional Detour Sign Locations
4. EMERGENCY Evacuation Plan
5. Liability Insurance – to be provided before Opening Date
6. Health Permit(s) – to be provided before Opening Date
7. Environmental Permit(s) – to be provided before Opening Date
8. BofA & Citi Bank's parking authorization – to be provided before Opening Date
9. ADA rest room use authorizations – to be provided before Opening Date



- DETOUR SIGNS
- Ⓟ PARKING SIGNS

## FARMER'S MARKET DETOUR ROUTE

Exhibit "C"



**TOP:**

Street Closure Barricades &  
Detour & Parking Signs

At Sylvan

**San Bruno Chamber 2013**

**Farmers' Market**

**Booth Layout**

**Booths**

10 foot deep

By 10 foot wide

Up Against the Curbs

On Both Sides of

San Mateo Avenue

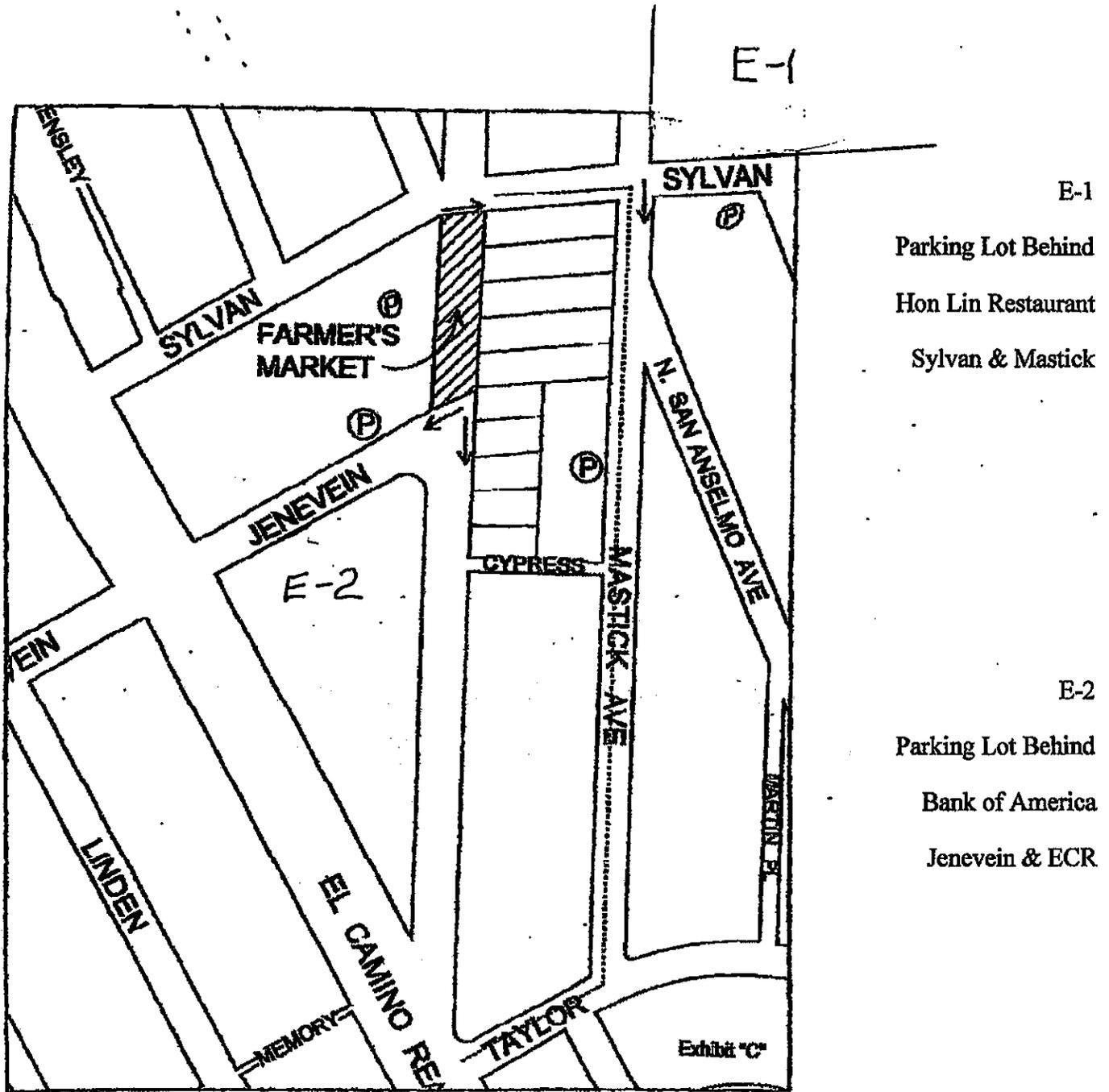
 =10'x10' Stall

 =Road Block

**Bottom**

Street Closure Barricades &  
Detour & Parking Signs

At Jenevein



## San Bruno Chambers' Farmers Market EMERGENCY Evacuation Routes

Shoppers closer to Sylvan will evacuate to **LOCATION E-1**  
 Located behind Hon Lin at Sylvan & Mastick

Shoppers closer to Jenevein will evacuate to **LOCATION E-2**  
 Located behind Bank of America



May 7, 2013

To: San Bruno Chamber of Commerce

Re: Parking Authorization

In support of the San Bruno Chamber of Commerce Farmers Market, Bank of America authorizes The Farmers Market shoppers to park in our parking lot on Sundays beginning June 9, 2013 through November 24, 2013 during the market hours of 10am-2pm.

A handwritten signature in black ink, appearing to read "Tony Yamini", written over a horizontal line.

Tony Yamini  
AVP, Banking Center Manager

---

Tel: 650.240.2520 • Fax: 650.248.2536

Bank of America, CA5-108-01-01  
465 San Mateo Ave, San Bruno, CA 94066

♻️ Recycled Paper

May 6, 2013

Citibank



To: San Bruno Chamber of Commerce

From: Citibank  
475 San Mateo Avenue  
San Bruno, CA 94066

RE: Parking Authorization

In support of the San Bruno Chamber Farmers Market, Citibank authorizes The farmers market shoppers to park in our parking lot on Sundays beginning June 9, 2013 through November 24<sup>th</sup>, 2013 during market hours.

Robert Manley  
Branch Manager-SVP

A handwritten signature in black ink that reads "Robert Manley". The signature is written in a cursive style with a large, circular flourish at the end of the name.



# San Bruno Chamber of Commerce

*Strengthening the Business Community Since 1942*

Volunteer Fireman's Hall | 618 San Mateo Avenue | San Bruno, CA 94066

*CEO Jamie Monozon*

Officers

*President Kirsten Pinochi  
Recology*

*CFO Rosalyn Yu  
Worldwide Chiropractic*

*Immediate Past President  
Dr. Benson Wong  
Image Orthodontics*

Board of Directors  
*Nicole Blanco  
The Shops at Tanforan*

*Marc Bura  
Slip Free Option*

*Joseph Capote  
Alain Pinel Realtors*

*Brian Lew  
Inline Connection*

*Gwen Daly  
Adecco*

*Jim O'Dowl  
O'Dowl Plumbing, Inc.*

*Johnny Patterson  
Sun Spa*

*Robert Riechel  
Community member at large*

*Vincent Solano  
Mollie Stone's*

*Michele Enriquez-DaSilva  
San Mateo Credit Union*

May 14, 2013

City of San Bruno  
ATTN: Mr. David Woltering, Community Development Director  
567 El Camino Real  
San Bruno, CA, 94066-4299

Dear Mr. Woltering:

The San Bruno Chamber of Commerce is pleased to advise you that we have secured a location that we hope will cover the ADA requirement for the Farmers' Market. San Bruno Chamber of Commerce member, Charles Kusuma, the owner of Never Too Latte at 486 San Mateo Avenue has agreed to allow our Farmers Market vendors and shoppers to use his ADA compliant restroom on Farmers' Market Sundays during market setup and selling hours.

We hope this agreement fulfills the City's ADA restroom requirement and we would ask that this letter be added to our Farmers' Market permit request package already submitted

Should you have any additional questions, please give me a call.

Sincerely,

Jamie Monozon – CEO

CC: Charles Kusuma-Never Too Latte

Office (650)588-0180 | Fax (650)588-6473 | office@sanbrunochamber.com | www.sanbrunochamber.com



----- Original Message -----

Subject: Re: Restroom

From: Charles Kusuma <nevertoolatte@yahoo.com>

Date: Tue, May 14, 2013 1:31 pm

To: "jamie@sanbrunochamber.com" <jamie@sanbrunochamber.com>

Cc: RobertRiechel <robertriechel@att.net>

Hi Jamie,

Yes, we would love to allow Sunday Farmers Market to use Never Too Latte for a designated ADA restroom availability.

Thank you so much for everything, it was good to see you again today!

Best regards,

**Charles Kusuma**  
**Owner of NTL**

---

**Never Too Latte Cafe & Bakery**

(650)LUV 4 NTL/ (650)588-4685

486 San Mateo Ave

San Bruno, CA, 94066

www.nevertoolatte.net

nevertoolatte@yahoo.com

---

Breakfast - Sandwich - Crepes - Pastries - Cakes

Free delivery - Free Wi-Fi - We cater - Space for meeting

**Find us on YELP, Facebook and Twitter!**

---

**From:** "jamie@sanbrunochamber.com" <jamie@sanbrunochamber.com>

**To:** nevertoolatte@yahoo.com

**Cc:** RobertRiechel <robertriechel@att.net>

**Sent:** Tuesday, May 14, 2013 1:05 PM

**Subject:** Restroom

Hi Charles,

Will Never Too Latte allow the Sunday Farmers Market (10am-2pm) to identify Never Too Latte as a place for ADA restroom availability?

Thank you,

Jamie

**Jamie Monozon**  
**CEO**

**San Bruno Chamber of Commerce**

618 San Mateo Avenue

San Bruno, CA 94066

**Draft San Bruno Chamber of Commerce Farmers' Market  
Street Closure Conditions of Approval (2013)**

Community Development Department

1. The applicant shall conduct the Farmers' Market ("the market") as described in the applicant's proposal statement, dated May 7, 2013.
2. The location of vendor booths shall be provided as shown in the applicant's proposal statement, dated May 7, 2013. Minor revisions to the locations and other elements may be allowed subject to the approval of the Public Services Director and Community Development Director.
3. The market shall be open to the public on Sundays from 10:00 a.m. to 2:00 p.m., beginning on June 9, 2013 and ending on November 24, 2013.
4. Vendors should begin the set-up process no earlier than 8:00 a.m. and finish clean-up operations no later than 4:00 PM. The road closure will begin at 7:00 a.m. and the applicant is responsible for putting up the barricades and signage as soon as the road is clear.
5. The applicant and all vendors shall not park in residential neighborhoods. The preferred parking area for vendors is the Angus Avenue parking lot or the commercial area north of Angus Avenue. Additionally, Citibank at 475 San Mateo Avenue and Bank of America at 465 San Mateo Avenue have given written authorization for customers of the Farmers' Market to use their on-site parking areas.
6. The applicant has received written authorization from the owner of the business "Never Too Latte" at 486 San Mateo Avenue for vendors and customer of the Farmers' Market to use the ADA accessible restroom facilities at that location.
7. The applicant shall remove all packaging and other litter from the site at the end of each market day. The applicant shall be responsible for leaving the site and the immediately surrounding area free of litter and any debris generated by either vendors or visitors at the end of each market day. The applicant is also responsible for providing recycling services for the event. Failure to clean-up the area could result in applicant being responsible for actual City clean-up costs.
8. The applicant shall comply with all State and Federal Stormwater regulations.

9. Each vendor that uses electrical wiring or a generator shall first obtain an electrical permit from the Building Division. Electrical installations and uses shall comply with the 2010 California Electrical Code.
10. The applicant shall provide vendor requirements for securing booth structures by weighting or attachment to prevent uplift and overturning in a wind load. These requirements shall be submitted and approved by the Building Official. The applicant shall provide inspection and enforcement to ensure these requirements are followed.

#### Fire Department

11. The applicant shall take out a single event permit for cooking and pay required fee. Fire Department approval requires County Health Department and any Building electrical permitting approval to operate.
12. All food booths shall be inspected for fire safety issues upon setup and periodically in compliance to Food Booth Operations Standard.
13. The applicant shall enforce setup lines and vendor booth compliance in accordance with Exhibit A against curbs to prevent merchandise or booth creep over the setup lines and to maintain the required fire lane clearances.
14. The applicant shall have an emergency plan in place with all vendor's knowledge for contacting emergency services and report of lost children (or parents).
15. The applicant shall have onsite a "responsible party" to act as liaison for Fire Department. The cell phone of this person shall be made available to the fire Department.
16. The Fire Department shall have the authority to direct security personal and vendors, if needed to maintain compliance to Food Booth Operations Standards or other life safety concerns.

#### Police Department

17. The applicant shall obtain a permit for amplified music and all rules/noise levels are strictly obeyed as per City ordinances.
18. Musicians shall be located on the southern end of the market.
19. For eastbound Jenevein Avenue traffic, signage shall be posted controlling eastbound traffic from making a left turn onto northbound San Mateo Avenue from 6:00 a.m. to 4:00 p.m. while roadway is blocked

20. For eastbound Sylvan Avenue traffic, signage shall be posted controlling eastbound traffic from making a right turn onto southbound San Mateo Avenue from 6:00 a.m. to 4:00 p.m. while roadway is blocked.
21. For westbound Sylvan Avenue traffic, signage needs to be posted controlling westbound traffic from making a left turn onto southbound San Mateo Avenue from 6:00 a.m. to 4:00 p.m. while roadway is blocked.
22. For northbound San Mateo Avenue traffic, signage shall be posted controlling northbound traffic from entering said closed area from 6:00 a.m. to 4:00 p.m. while roadway is blocked.
23. For southbound San Mateo Avenue traffic, signage shall be posted controlling southbound traffic from entering said closed area from 6:00 a.m. to 4:00 p.m. while roadway is blocked.
24. The east curb line of northbound San Mateo Avenue in the closed area shall have signage stating that the northbound lanes do not permit parking at said times, Sundays, June through November of each year.
25. The west curb line of southbound San Mateo Avenue in the closed area shall have signage stating the southbound lanes do not permit parking at said times, Sundays, June through November of each year.
26. Roadway barriers shall be constructed of a material that will not blow over in moderate winds or be heavy enough so that if they fall over will cause injury to pedestrians in the closed area.
27. The barriers shall have reflective material as to be seen by approaching motorists and shall be in place at all times that the road closure is posted.
28. The barriers shall have wording similar to, "Road closed to through traffic"
29. The barrier placement and removal shall remain the responsibility of the applicant.
30. Under no circumstances will the market be allowed to operate on a day when barriers are not available or did not arrive at the date and time stated.
31. Barriers shall be placed on the private driveway located on the north side of Citibank. These barriers shall have the same specifications as the barriers used to close San Mateo Avenue. The placement of these barriers will also be the responsibility of the applicant.

### Public Works

32. The applicant shall submit for approval a traffic control plan that includes sign, barricade and parking locations. This plan shall also show detour and any other proposed restrictions.
33. The applicant shall submit a site plan that shows where the stalls shall be placed and where the roadblocks will be installed.
34. Any modifications to the conditions of this encroachment permit shall require the approval of the Public Services Director.
35. This encroachment permit is valid for the Farmers' Market held on Sundays between June 9, 2013 and November 24, 2013. The applicant shall apply for a new encroachment permit on an annual basis.

### City Council

36. The applicant should defend and hold the City harmless and provide insurance in the amount and form approved by the City Attorney naming the City as additionally insured.



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** May 28, 2013  
**TO:** Honorable Mayor and City Council  
**FROM:** Neil Telford, Chief of Police  
**SUBJECT:** Approve Response to the San Mateo County Grand Jury Report on "Can We Talk? Law Enforcement and Our Multilingual County."

**BACKGROUND:**

Recently, the San Mateo County Civil Grand Jury issued a report titled, "Can We Talk? Law Enforcement and Our Multilingual County." The Grand Jury made several findings and recommendations in that report. The Grand Jury requires the City of San Bruno and others in the County provide a response to the report no later than June 18, 2013.

**DISCUSSION:**

Data gathered in the 2000 census revealed that 23% of the county's residents have difficulty with the English language. The San Mateo Civil Grand Jury inquired how law enforcement agencies address language barriers and surveyed the law enforcement agencies in San Mateo County. The results of the survey were used to form the Grand Jury report.

On March 20, 2013, the Grand Jury released "Can We Talk? Law Enforcement and Our Multilingual County." The report recommended law enforcement agencies subscribe to translation services, encourage language training for officers, and develop a written policy addressing language access. The recommendations identified by the Grand Jury have already been implemented at the San Bruno Police Department.

The Grand Jury has asked the governing body of each jurisdiction to comment on the findings and conclusions reached in the report and to approve the response at a public meeting. State law requires a response to the Grand Jury report when requested.

**FISCAL IMPACT:**

None

7.9

**ALTERNATIVES:**

1. Direct changes to the draft response.

**RECOMMENDATION:**

Approve Response to the San Mateo County Civil Grand Jury Report of "Can We Talk? Law Enforcement and Our Multilingual County."

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Draft response to the Civil Grand Jury
2. Grand Jury report, "Can We Talk? Law Enforcement and our Multi Lingual Community"

**DATE PREPARED:**

May 13, 2013

**REVIEWED BY:**

\_\_\_\_\_ CM



May 28, 2013

Honorable Richard C. Livermore  
Judge of the Superior Court  
c/o Charlene Kresevich  
Hall of Justice  
400 County Center; 2<sup>nd</sup> Floor  
Redwood City, CA. 94063-1655

Dear Judge Livermore:

The San Bruno City Council is in receipt of the San Mateo County Grand Jury Report "Can We Talk? Law Enforcement and Our Multilingual County". The report identifies certain findings and recommendations, and requests that the City Council respond in writing to those findings no later than June 18, 2013.

Regarding the findings of the San Mateo County Civil Grand Jury, the City is requested to respond with one of the following:

1. The City agrees with the finding.
2. The City disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons thereafter.

Regarding the recommendations of the San Mateo County Grand Jury, the City is requested to report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable with an explanation therefore.

The City of San Bruno responds to the San Mateo County Grand Jury report as follows:

**FINDINGS:**

- F1. *"The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel."***

Response: The City of San Bruno agrees with this finding.

- F2. *"The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo Sheriff."***

Response: This finding was directed to the San Mateo County Sherriff's Office.

- F3. *"Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers."***

Response: The City of San Bruno agrees with this finding.

- F4. *"Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement."***

Response: The City of San Bruno agrees with this finding.

- F5. *"Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations."***

Response: The City of San Bruno agrees with this finding.

- F6. *"It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program."***

Response: The City of San Bruno agrees with this finding.

**RECOMMENDATIONS:**

- R1. *"The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368."***

Response: The recommendation has been implemented. The San Bruno Police Department subscribes to Lexipol and has Policy #368 in its manual.

**R2. "The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field."**

Response: This recommendation was not directed towards the City of San Bruno.

**R3. "Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as "Google Translate."**

Response: The recommendation will not be implemented because it is not warranted or reasonable. The San Bruno Police Department has access to translators through the existing language line, multilingual staff and mutual aid. Cars in San Bruno are equipped with lap top computers that will allow access to Google Translate. Purchasing smart phones for every officer along with the monthly cost of cellular and data plans is cost prohibitive.

**R4. "Every County policing agency encourage and financially support participation in POST language skills classes."**

Response: The recommendation has been implemented. The San Bruno Police Department sends officers to POST certified training courses. The City also offers employees bilingual incentive pay and a tuition reimbursement program.

On May 28, 2013, the San Bruno City Council held a public meeting and approved this response. On behalf of the San Bruno City Council, I would like to thank the Grand Jury for their work on this report.

Sincerely,

Jim Ruane  
Mayor

Superior Court of California, County of San Mateo  
Hall of Justice and Records  
400 County Center  
Redwood City, CA 94063-1655

JOHN C. FITTON  
COURT EXECUTIVE OFFICER  
CLERK & JURY COMMISSIONER

(650) 599-1210  
FAX (650) 363-4698  
www.sanmateocourt.org

March 20, 2013

City Council  
City of San Bruno  
567 El Camino Real  
San Bruno, CA 94066

**RECEIVED**

**MAR 21 2013**

**CITY MANAGERS OFFICE**

Re: Grand Jury Report: "Can We Talk? Law Enforcement and Our Multilingual County"

Dear Councilmembers:

The 2012-2013 Grand Jury filed a report on March 20, 2013 which contains findings and recommendations pertaining to your agency. Your agency must submit comments, within 90 days, to the Hon. Richard C. Livermore. Your agency's response is due no later than June 18, 2013. Please note that the response should indicate that it was approved by your governing body at a public meeting.

For all findings, your responding agency shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Please submit your responses in all of the following ways:

1. Responses to be placed on file with the Clerk of the Court by the Court Executive Office.
  - Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address and mail to Judge Livermore.

Hon. Richard C. Livermore  
Judge of the Superior Court  
c/o Charlene Kresevich  
Hall of Justice  
400 County Center; 2<sup>nd</sup> Floor  
Redwood City, CA 94063-1655.

2. Responses to be placed at the Grand Jury website.
  - Copy response and send by e-mail to: [grandjury@sanmateocourt.org](mailto:grandjury@sanmateocourt.org). (Insert agency name if it is not indicated at the top of your response.)
3. Responses to be placed with the clerk of your agency.
  - File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.

For up to 45 days after the end of the term, the foreperson and the foreperson's designees are available to clarify the recommendations of the report. To reach the foreperson, please call the Grand Jury Clerk at (650) 599-1210.

If you have any questions regarding these procedures, please do not hesitate to contact Paul Okada, Chief Deputy County Counsel, at (650) 363-4761.

Very truly yours,



John C. Fitton  
Court Executive Officer

ICF:ck  
Enclosure

cc: Hon. Richard C. Livermore  
Paul Okada

Information Copy: City Manager

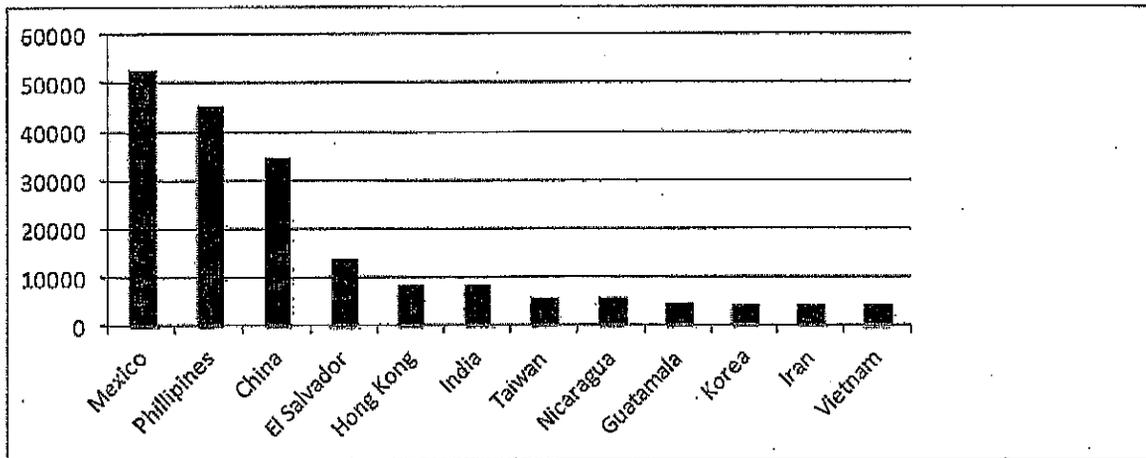


## CAN WE TALK? LAW ENFORCEMENT AND OUR MULTILINGUAL COUNTY

### SUMMARY

The law enforcement agencies for the 20 cities and towns located in San Mateo County (County), together with the County Sheriff's Office, have a mandate to safeguard the County's citizens. This mandate has become more difficult to fulfill as demographic changes over the past 20 years have brought into the County an increasing number of people who speak English either poorly or not at all.

The population of the County is linguistically diverse. The 2010 census lists the County's population at 718,451,<sup>1</sup> with 239,225 people indicating a birthplace other than the United States.<sup>2</sup> Immigrants comprise 33% of the County's total population, which does not include the children of immigrants or undocumented immigrants. Over the past decade, San Mateo County has seen an increase in the Asian population (25%), the Hispanic population (18%) and a decrease in the white population (14%).<sup>3</sup> Hispanics represent the largest population (22.1%), followed by Asians (18.3%) and Pacific Islanders (1.4%). The chart below shows the most common country of origin of immigrants to the County, as measured by the number of permanent visas provided.<sup>4</sup>



As part of only the 2000<sup>5</sup> census, the U.S. Census Bureau gathered English fluency data by asking respondents to rate their ability to speak English on a scale from "very well" to "not at all." The results indicated that 55% of the County's residents speak English "very well," 22%

<sup>1</sup> <http://www.bayareacensus.ca.gov/counties/SanMateoCounty.htm> (11/28/2012).

<sup>2</sup> Ibid.

<sup>3</sup> Preliminary Findings from the Assessment of Immigrant Needs in San Mateo County, [http://svceji.sjsu.edu/content/20120126\\_SMC\\_Key\\_Findings.pdf](http://svceji.sjsu.edu/content/20120126_SMC_Key_Findings.pdf) pg. 4 (1/28/2013).

<sup>4</sup> Ibid.

<sup>5</sup> 2000 data is the most recent as the question was not asked in the 2010 census.

“well,” 16% “not well,” and 7% “not at all.”<sup>6</sup> This indicates that a minimum of 23% of the County’s residents, or 165,000 people, have some level of difficulty communicating in English.

In light of this problem, the 2012-2013 San Mateo County Civil Grand Jury (Grand Jury) sought to determine how the law enforcement officers of the 20 cities and towns in the County and the County Sheriff’s Office deal with communication obstacles that might prevent them from effectively discharging their duties. The Grand Jury found that both the County’s police departments<sup>7</sup> and the Sheriff’s Office<sup>8</sup> are making credible efforts at recruiting, hiring, training, and retaining multilingual officers and support personnel.

The Grand Jury recommends that every policing agency in the County develop a written policy/procedure for language access, subscribe to effective translation services, and actively encourage language training for its personnel.

## BACKGROUND

Whether it is a routine vehicle stop or a high-profile homicide investigation, law enforcement officers need to be able to communicate effectively to do their job. The size of the non-English speaking population in the County presents a serious challenge for law enforcement to provide effective policing programs while developing trust and cooperation in the communities they serve. As the number of non-English speakers increases, so does the number of non-English speaking residents who become witnesses to crime and even targets of crime. Because of language difficulties, these crimes may go unreported. Improved communications between officers and citizens can improve upon this situation.

Several laws mandate that law enforcement agencies find ways to overcome language barriers. Under Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.),<sup>9</sup> police agencies receiving federal assistance must take reasonable steps to ensure that their services are meaningfully accessible to those who do not speak English well.<sup>10</sup> Additionally, California’s Dymally-Alatorre Bilingual Services Act (Cal. Gov. Code §7290) requires state and local agencies serving a “substantial number of non-English speaking people” to employ a “sufficient number of qualified bilingual staff in public contact positions” and to translate documents explaining available services to their clients’ languages. (See, Appendix A).

Law enforcement agencies operate within a culture of written policies and procedures. Accordingly, written policies and procedures regarding language access would be useful in guiding officers and support personnel on how and when to use language resource services. The Department of Justice Civil Rights Division has created a number of planning tools for law

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<sup>6</sup> U.S. Department of Health and Human Services, <http://www.ahrq.gov/research/iomracereport/reldata4a.htm> (11/29/2012).

<sup>7</sup> Atherton, Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Hillsborough, Menlo Park, Pacifica, Redwood City, San Bruno, San Mateo, and South San Francisco.

<sup>8</sup> Includes Half Moon Bay, Millbrae, Portola Valley, San Carlos, and Woodside.

<sup>9</sup> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

<sup>10</sup> Overcoming Language Barriers, Solutions For Law Enforcement, pg. 5, [www.cops.usdoj.gov](http://www.cops.usdoj.gov) (11/28/2012).

enforcement agencies to assist with formulating such policies and procedures.<sup>11</sup> Further, the development and implementation of such policies and procedures can demonstrate a department's commitment to ensuring access for residents with limited English skills and combating national origin discrimination.<sup>12</sup>

## METHODOLOGY

The Grand Jury collected information from all the law enforcement agencies in the cities and towns in the County, and from the County Sheriff's Office, regarding the level and efficiency of their interactions with non-English speakers in their jurisdictions. The Grand Jury requested these agencies' assessments of the difficulties that language barriers create for both police officers and the public. Additionally, the Grand Jury asked these agencies to supply data regarding multilingual law enforcement officers and support personnel within their jurisdictions, information regarding programs to recruit, hire, train, and retain multilingual personnel, and current written policies/procedures addressing language access.

### Interviews

The Grand Jury interviewed patrol officers from several police agencies to determine the actions they take when confronted with a language barrier. The Grand Jury also interviewed personnel from the County's Office of Public Safety Communications (911).

### Site Tours

In an emergency, the public often calls 911 as its first choice for obtaining police and medical services. As this is often the public's initial contact point with law enforcement, the Grand Jury sought to determine the linguistic effectiveness of the 911 control center in the County's Office of Public Safety Communications.

### Documents

The Grand Jury reviewed the following documents:

- Civil Rights Act of 1964
- Summary of Language Access Laws in California (Appendix A)
- California Government Code Sections 7290-7299.8 (Appendix B)
- Overcoming Language Barriers, Solutions for Law Enforcement<sup>13</sup>
- Enhancing Community Policing with Immigrant Populations<sup>14</sup>
- Dymally-Alatorre Bilingual Services Act
- Lexipol Policy 368 (Appendix B)

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<sup>11</sup> Executive Order 13166 Limited English Proficiency Resource Document: Tips and Tools from the Field, Washington, D.C: U.S. Department of Justice, Civil Rights Division, 2004:  
<http://www.justice.gov/crt/about/cor/lep/Final%20Tips%20and%20Tools%20Document.%209%2021%2004.pdf>  
(1/24/2013).

<sup>12</sup> Ibid.

<sup>13</sup> [www.cops.usdoj.gov/Publications/vera\\_translating\\_justice\\_final.pdf](http://www.cops.usdoj.gov/Publications/vera_translating_justice_final.pdf) (1/9/2013).

<sup>14</sup> [www.cops.usdoj.gov/Publications/e04106266-Enhancing-CP-Immigrant-Populations\\_b.pdf](http://www.cops.usdoj.gov/Publications/e04106266-Enhancing-CP-Immigrant-Populations_b.pdf) (1/9/2013).

The Grand Jury gathered statistical information from the 2000 and 2010 U.S. Censuses,<sup>15</sup> from various websites dedicated to employment opportunities in law enforcement, and from the websites maintained by the various law enforcement departments in the County.

## DISCUSSION

The Grand Jury's investigation revealed widespread awareness among the County's law enforcement agencies regarding the need for more multilingual law enforcement and emergency personnel, particularly those fluent in Spanish. While several communities have as many as 22% of their officers fluent in a second language,<sup>16</sup> two cities (Belmont and Hillsborough) reported no multilingual officers. The departments in these communities must depend on neighboring agencies or non-police employees for their translation needs. Fifteen communities of the 20 surveyed stated their agencies could benefit from additional multilingual officers. (Appendix C) Atherton, Brisbane, Burlingame, Foster City, and Hillsborough stated no additional multilingual officers are currently needed.

The primary concern among the policing agencies is how difficult basic communication is with non-English speakers during an initial contact, which is often during an emergency. When non-English speaking residents are involved, the departments reported that delays were common in obtaining information critical to the resolution of an incident or the investigation of a crime.

### 911 Calls

As part of the Emergency Telephone Users Surcharge Law,<sup>17</sup> the State of California has mandated that language translation services be available to limited or non-English speakers. A general tax on telephone usage funds the cost for this service.

Under the County Manager's direction the County's 911 center processes emergency calls for the Sheriff's Office, which services the cities of Half Moon Bay, Millbrae, Portola Valley, San Carlos, and Woodside, together with the unincorporated areas of the County. 911 also processes calls for all the fire departments in the County and ambulance dispatch, transit police (BART), Caltrain, and occasional direct calls from the public.<sup>18</sup> As this is generally the first interface the public has with potential assistance, the Grand Jury reviewed the Public Safety Communications departmental policies and procedures when encountering a non-English speaking caller. This review revealed that when necessary, 911 operators can provide translation services for limited or non-English speakers through a service called "Language Line."

### Language Line

Language Line is a telephonic service operated by AT&T that enables users to speak through a translator in 98.6% of the world's 6,809 languages, and includes sign language, when a video

<sup>15</sup> <http://quickfacts.census.gov/qfd/states/06/06081.html> (1/30/2013).

<sup>16</sup> See Appendix C.

<sup>17</sup> California State Board of Equalization [www.boe.ca.gov/pdf/pub39a.pdf](http://www.boe.ca.gov/pdf/pub39a.pdf) (1/28/2013).

<sup>18</sup> Cities not serviced by the Sheriff's Office have their own 911 operations that, for whatever reason, seldom receive direct calls from the public.

feed is available, and TTY (text telephone) users.<sup>19</sup> A transfer button at all 911 operator workstations accomplishes this quickly. County administrators track the calls to determine the usage of Language Line. 911 Service's internal policies dictate a 30-second processing time for incoming 911 calls. The transfer to Language Line for non-English speakers is occasionally longer than the 30-second goal. However, 911 Service reports a favorable experience with this service.

All, except two (Brisbane and Hillsborough) of the cities' police departments, use Language Line for translation services.<sup>20</sup> The patrol officers interviewed indicated that use of Language Line in the field is cumbersome, as officers have to pass a telephone back and forth between the officer and the non-English speaker. The patrol officers preferred using Language Line for follow up investigations when a second telephone line is available.

### **Patrol Officers in the Field**

Patrol officers in the field are resourceful when dealing with language barriers. They initially rely on their dispatchers to identify the language needs of the parties involved. This allows the officer to secure necessary translators while in route to the scene. At the scene, their first resource frequently is family members and neighbors. If additional translation is necessary, the officer can contact multilingual members of their department or neighboring departments for assistance. Officers also report having used web-based smart phone translation applications such as Google Translate on their personal phones.

All law enforcement agencies in the County stated that they actively recruit multilingual officers. Additionally, all responding departments except Brisbane and Colma provide additional compensation to their multilingual officers according to their language proficiency.

### **Written Language Access Policies**

The cities of Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco<sup>21</sup>, and the Sheriff's Office (which services the cities of Half Moon Bay, Millbrae, Portola Valley, San Carlos, Woodside, and the unincorporated areas of the County) provided the Grand Jury with written policies and procedures addressing language access. The Sheriff's Office also recognizes the need for additional efforts, such as including the salary premium information in job postings and assigning multilingual officers to duty areas aligned with their language skills. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno did not provide any written policies or procedures addressing language access to the Grand Jury and the Grand Jury is not aware that any such policies or procedures exist for those jurisdictions.

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<sup>19</sup> [http://languageline.com/main/files/Language\\_List.pdf](http://languageline.com/main/files/Language_List.pdf) (1/30/2013).

<sup>20</sup> See Appendix C.

<sup>21</sup> Appendix E [www.Lexipol.com](http://www.Lexipol.com) (1/24/2013).

## POST

The State of California provides continuing education through its Commission on Peace Officers Standards and Training (POST) program. POST offers language classes in Spanish (five proficiency levels) including courses to develop the basic skills needed for an initial interaction with Spanish speakers. The cost for the courses ranges from \$20 to \$350. The skills thus obtained have the potential to minimize language barriers during emergencies with a large percentage of the immigrant population, thereby allowing law enforcement officers to render better service to their communities.

## FINDINGS

- F1. The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.
- F2. The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo Sheriff.
- F3. Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers.
- F4. Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.
- F5. Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.
- F6. It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program.

## RECOMMENDATIONS

The Grand Jury recommends that:

- R1. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice<sup>22</sup> and customized for California Law by Lexipol in Policy 368 (See, e.g., Appendix E)
- R2. The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.

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<sup>22</sup> Overcoming Language Barriers, Solutions For Law Enforcement, Community Oriented Policing Services, U.S. Department of Justice, [www.cops.usdoj.gov/Publications/vera\\_translating\\_justice\\_final.pdf](http://www.cops.usdoj.gov/Publications/vera_translating_justice_final.pdf) (1/9/2013).

R3. Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as Google Translate<sup>23</sup>.

R4. Every County policing agency encourage and financially support participation in POST<sup>24</sup> language skills classes.

#### REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests the following, as applicable, to respond to the foregoing Findings and Recommendations, referring in such responses to the numerical reference thereof:

- San Mateo County Sheriff
- The Town/City Councils of Atherton, Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Hillsborough, Menlo Park, Pacifica, Redwood City, San Bruno, City of San Mateo, and South San Francisco.

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

<sup>23</sup><https://play.google.com/store/apps/details?id...google...apps.translate> (1/24/2013).

<sup>24</sup> Ca. Gov. Post, [www.post.ca.gov](http://www.post.ca.gov) (12/17/2012).

## APPENDIX A

### SUMMARY OF LANGUAGE ACCESS LAWS IN CALIFORNIA

There are a number of federal, state, and local laws that govern language access for limited-English proficient (LEP) individuals. The following is an overview of the federal, state, and local laws governing language access.

#### **Title VI of the 1964 Civil Rights Act**

“No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin by any recipient of federal funding. This obligation applies to all recipients, including government agencies, public educational institutions, nonprofit organizations, private corporations, and other entities. Title VI also applies without regard to the amount of funds received by an entity. Although the law does not define national origin discrimination, courts and regulations have consistently interpreted the provision as requiring linguistically assessable services. This means that agencies that receive federal funds and fail to provide meaningful access for limited English speaking individuals to services can violate Title VI. Title VI also covers private for-profit and nonprofit entities that receive federal funds, including those re-allocated by state or local governments. In the past several years, policies have been put in place at the federal level to provide direction that is more specific to federal recipients regarding their legal duty to provide language-accessible services. In August 2000, President Clinton issued Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” requiring federal agencies to develop guidance for federal funding recipients on how to comply with Title VI. The Bush administration has reaffirmed Executive Order 13166, and the U.S. Department of Justice has led a multi-agency effort to issue guidance outlining four factors that a recipient of federal funding should apply in determining its level of obligation to provide access to services for people who are LEP:

1. Number or proportion of LEP persons served. While programs that serve fewer LEP individuals are still required to take reasonable steps to provide meaningful access, the number of LEP individuals expected to be encountered will determine the reasonableness of the efforts.
2. Frequency of contact with LEP persons. The more frequent the need by LEP individuals to access the services, the greater the responsibility to provide meaningful access.
3. Nature and importance of the program. The greater the importance of the program to beneficiaries, the greater the duty to provide access.
4. Resources available and costs. Cost is a legitimate consideration in assessing the reasonableness of particular language access measures, and a smaller recipient of federal funding with limited resources may not have to take the same steps as a larger one.

In balancing these four factors, recipients of federal funding must provide an appropriate level of both oral interpretation and translation of important written documents. More information about

Title VI's language access requirements can be found at the federal government's web site, [www.lep.gov](http://www.lep.gov). This web site contains:

- Background information about Title VI;
- Executive Order 13166 (requesting federal agencies to develop detailed guidance on enforcing Title VI);
- Guidance for implementing Title VI for over 30 federal agencies;
- Federal implementation and enforcement policies;
- "Know Your Rights" materials;
- "I Speak" Flashcards (flashcard written in 38 languages that can be used to identify the language spoken by individuals who attempt to access services); and
- General resources for providing multilingual services.

### **Dymally-Alatorre Bilingual Services Act**

California's Dymally-Alatorre Bilingual Services Act requires state and local agencies serving a "substantial number of non-English speaking people," to employ a "sufficient number of qualified bilingual staff in public contact positions" and to translate documents explaining available services into their clients' languages. In enacting the law over 30 years ago, the California Legislature recognized that "the effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them." Gov. Code § 7291. Because a substantial number of limited English proficient ("LEP") Californians were unable to effectively utilize government services to which they were entitled, in 1973, the Legislature passed the Dymally-Alatorre Bilingual Services Act (the "Act"). See Gov. Code §§ 7290 et seq. The Bilingual Services Program of the State Personnel Board monitors agency compliance with Dymally-Alatorre and provides guidance to agencies seeking to meet their legal obligations to serve LEP individuals. For more information see, <http://www.spb.ca.gov/bilingual/>

### **Equal Access to Services Ordinance**

San Francisco's Equal Access to Services (EAS) Ordinance, Chapter 91 of the SF Adm. Code, requires covered city departments to make its services accessible in any language spoken by limited English proficient persons who make up either 1) five percent of the population served by the Department, or 2) 10,000 residents citywide. The EAS Ordinance applies to all city departments that provide services to the public and have at least 30 full-time employees. The EAS delineates a range of obligations including, but not limited to: conducting annual language needs assessments, utilizing written and oral language services to ensure individuals have equal access to services regardless of language ability. Written Translation. The Ordinance requires City departments that provide extensive public services (enumerated in the Ordinance as "Tier 1" departments), to translate vital governmental documents into the languages spoken by at least 10,000 LEP residents or 5 percent of the clients served by the department.

**[Section 91.4.]**

At this time, the languages that fall under the broad, citywide 10,000 persons categories are Spanish and Chinese. The seven categories of "vital" documents designated for translation by Tier 1 departments include:

- (1) applications or forms to participate in a Department's program or activity or to receive its benefits or services;
- (2) written notices of rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services, including the right to appeal any Department's decision;
- (3) written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required;
- (4) notices advising limited English-proficient persons of free language assistance;
- (5) materials explaining a Department's services or programs;
- (6) complaint forms; and
- (7) any other written documents that have the potential for important consequences for an individual seeking services from or participating in a program of a city department.

**Oral Language Services**

The ordinance requires each City department with at least 30 full-time employees to provide information and services to the public not only in English, but also in the languages spoken by at least 10,000 LEP residents or 5 percent of the clients served by the department.

**[Section 91.3.]**

Again, the languages that fall under the citywide threshold are Spanish and Chinese (specifically Cantonese). Also, a local office of a City department that provides direct services to the public and serves as the workplace for 5 or more full-time City employees must additionally provide information and services to the public in the languages spoken by at least 5 percent of the population of the supervisorial district in which the facility is located or at least 5 percent of the clients served by the local office, when either of those constituencies is LEP and shares a primary language other than English.

**[Section 91.3.]**

In order to comply with the spoken language component of the Ordinance, departments must utilize sufficient numbers of bilingual staff in public contact positions (made vacant by retirement or attrition – no existing employee would be dismissed to implement this ordinance). A public contact position is defined in the ordinance as "a position in which a primary job responsibility consists of meeting, contacting, and dealing with the public in the performance of the duties of that position."

**[Section 91.2(i).]**

The standard for determining whether departments comply with this "Tier 1 Departments" include the following:

Adult Probation Department, Department of Consumer Assurance,

Department of Elections, Department of Human Services, Department of Parking and Traffic, Department of Public Health, Department of Public Transportation, District Attorney's Office, Emergency Communications Department, Fire Department, Juvenile Probation Department, Police Department, Public Defender's Office, Department of Aging and Adult Services, Rent Stabilization and Arbitration Board, and Sheriff's Office requirement of the Ordinance is whether they "provide the same level of service to Limited English Speaking Persons as they provide English speakers."

**[Section 91.3(a).]**

The Ordinance may require the use of other means (such as language translation telephone lines) to communicate with the public in non-English languages in order to supplement bilingual staffing.

**Monitoring**

Individual departments and the city's Immigrant Rights Commission are charged with monitoring compliance with the EAS. Departments must submit annual compliance plans by February 1. Amongst other items, the plans must include

- The number and percentage of LEP individuals who actually use the Department's services citywide, listed by language.
- The number and percentage of LEP residents of each district in which a covered departmental facility is located and persons who use the services provided by such facility.
- The number of public contact positions in the Department.
- The number of bilingual employees in public contact positions, their titles, office locations, the languages other than English that the person speaks.
- A description of any telephone based interpretation services offered, including the number of times such services were used and that languages for which they were used.
- A narrative assessment of the procedures used to facilitate communications with LEP individuals.
- A numerical assessment of the number of bilingual employees in public contact positions needed to meet the requirements of the EAS.
- A list of the Department's written materials required to be translated under the EAS.
- A description of procedures for accepting and resolving complaints of an alleged violation of the EAS.

## APPENDIX B

### GOVERNMENT CODE SECTION 7290-7299.8

7290. This chapter may be known and cited as the Dymally-Alatorre Bilingual Services Act.

7291. The Legislature hereby finds and declares that the effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them.

The Legislature further finds and declares that substantial numbers of persons who live, work and pay taxes in this state are unable, either because they do not speak or write English at all, or because their primary language is other than English, effectively to communicate with their government. The Legislature further finds and declares that state and local agency employees frequently are unable to communicate with persons requiring their services because of this language barrier. Therefore, substantial numbers of persons presently are being denied rights and benefits to which they would otherwise, be entitled.

It is the intention of the Legislature in enacting this chapter to provide for effective communication between all levels of government in this state and the people of this state who are precluded from utilizing public services because of language barriers.

7292. (a) Every state agency, as defined in Section 11000, except the State Compensation Insurance Fund, directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person.

(b) For the purposes of this chapter, the furnishing of information or rendering of services includes, but is not limited to, providing public safety, protection, or prevention, administering state benefits, implementing public programs, managing public resources or facilities, holding public hearings, and engaging in any other state program or activity that involves public contact.

7293. Every local public agency, as defined in Section 54951, serving a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public

contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person. The determination of what constitutes a substantial number of non-English-speaking people and a sufficient number of qualified bilingual persons shall be made by the local agency.

7294. An employee of a state or local agency, as defined by Sections 11000 and 54951, may not be dismissed to carry out the purposes of this chapter. A state or local public agency need only implement this chapter by filling employee public contact positions made vacant by retirement or normal attrition.

7295. Any materials explaining services available to the public shall be translated into any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. The determination of when these materials are necessary when dealing with local agencies shall be left to the discretion of the local agency.

7295.2. Every state agency that serves a substantial number of non-English-speaking people, and which provides materials in English explaining services, shall also provide the same type of materials in any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. This section shall not be interpreted to require verbatim translations of any materials provided in English by a state agency.

7295.4. Whenever a state agency finds that the factors listed in both subdivisions (a) and (c) or (b) and (c) exist, it shall distribute the applicable written materials in the appropriate non-English language through its local offices or facilities to non-English-speaking persons, or, as an alternative, the state agency may instead elect to furnish translation aids, translation guides, or provide assistance, through use of a qualified bilingual person, at its local offices or facilities in completing English forms or questionnaires and in understanding English forms, letters, or notices:

(a) The written materials, whether forms, applications, questionnaires, letters, or notices solicit or require the furnishing

of information from an individual or provide that individual with information.

(b) The information solicited, required, or furnished affects or may affect the individual's rights, duties, or privileges with regard to that agency's services or benefits.

(c) The local office or facility of the agency with which the individual is dealing, serves a substantial number of non-English-speaking persons.

7296. (a) As used in this chapter, a "qualified bilingual person," "qualified bilingual employee," or "qualified interpreter" is a person who is proficient in both the English language and the non-English language to be used. For any state agency, "qualified" means one of the following:

(1) A bilingual person or employee who the State Personnel Board has tested and certified as proficient in the ability to understand and convey in English and a non-English language commonly used terms and ideas, including terms and ideas regularly used in state government.

(2) A bilingual employee who was tested and certified by a state agency or other testing authority approved by the State Personnel Board as proficient in the ability to understand and convey in English and a non-English language commonly used terms and ideas, including terms and ideas regularly used in state government.

(3) An interpreter who has met the testing or certification standards established by the State Personnel Board for outside or contract interpreters, as proficient in the ability to communicate commonly used terms and ideas between the English language and the non-English language to be used and has knowledge of basic interpreter practices, including, but not limited to, confidentiality, neutrality, accuracy, completeness, and transparency.

(b) The determination of what constitutes "qualified" for local agencies, shall be left to the discretion of the local agency.

7296.2. As used in Sections 7292 and 7295.2, a "substantial number of non-English-speaking people" are members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by any local office or facility of a state agency.

7296.4. As used in Section 7292, "a sufficient number of qualified bilingual persons in public contact positions" is the number required to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking these

services. However, where the local office or facility of the state employs the equivalent of 25 or fewer regular, full-time employees, it shall constitute compliance with the requirements of this chapter if a sufficient number of qualified bilingual persons are employed in public contact positions, or as qualified interpreters to assist those in those positions, to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking the services from the office or facility.

7297. As used in this chapter, a "public contact position" is a position determined by the agency to be one which emphasizes the ability to meet, contact and deal with the public in the performance of the agency's functions.

7298. The provisions of this chapter are not applicable to school districts, county boards of education, or the office of a county superintendent of schools.

7299. The provisions of this act shall be implemented to the extent that local, state or federal funds are available, and to the extent permissible under federal law and the provisions of civil service law governing the state and local agencies.

7299.1. State agencies may, utilizing existing funds, contract for telephone-based interpretation services in addition to employing qualified bilingual persons in public contact positions.

7299.2. The State Personnel Board shall be responsible for informing state agencies of their responsibilities under this chapter and providing state agencies with technical assistance, upon request on a reimbursable basis.

7299.4. (a) Notwithstanding any other provision in this chapter, each state agency shall conduct an assessment, develop, and update an implementation plan that complies with the requirements of this chapter.

(b) Each agency shall conduct a survey of each of its local offices every two years to determine all of the following:

- (1) The number of public contact positions in each local office.
- (2) The number of qualified bilingual employees in public contact positions in each local office, and the languages they speak, other than English.
- (3) The number and percentage of non-English-speaking people served by each local office, broken down by native language.
- (4) The number of anticipated vacancies in public contact positions.

(5) Whether the use of other available options, including contracted telephone-based interpretation services, in addition to qualified bilingual persons in public contact positions, is serving the language needs of the people served by the agency.

(6) A list of all written materials that are required to be translated or otherwise made accessible to non- or limited-English-speaking individuals by Sections 7295.2 and 7295.4.

(7) A list of materials identified in paragraph (6) that have been translated and languages into which they have been translated.

(8) The number of additional qualified bilingual public contact staff, if any, needed at each local office to comply with this chapter.

(9) Any other relevant information requested by the State Personnel Board.

(c) Each agency shall calculate the percentage of non-English-speaking people served by each local office by rounding the percentage arrived at to the nearest whole percentage point.

The survey results shall be reported on forms provided by the State Personnel Board, and delivered to the board not later than October 1 of every even-numbered year beginning with 2008.

(d) Beginning in 2009 and in every odd-numbered year thereafter, each state agency shall develop an implementation plan that, at a minimum, addresses all of the following:

(1) The name, position, and contact information of the employee designated by the agency to be responsible for overseeing implementation of the plan.

(2) A description of the agency's procedures for identifying written materials that need to be translated.

(3) A description of the agency's procedures for identifying language needs at local offices and assigning qualified bilingual staff.

(4) A description of how the agency recruits qualified bilingual staff.

(5) A description of any training the agency provides to its staff on the provision of services to non- or limited-English-speaking individuals.

(6) A detailed description of how the agency plans to address any deficiencies in meeting the requirements of this chapter, including, but not limited to, the failure to translate written materials or employ sufficient numbers of qualified bilingual employees in public contact positions at local offices, the proposed actions to be taken to address the deficiencies, and the proposed dates by when the deficiencies can be remedied.

(7) A description of the agency's procedures for accepting and resolving complaints of an alleged violation of this chapter.

(8) A description of how the agency complies with any federal or

other state laws that require the provision of linguistically accessible services to the public.

(9) Any other relevant information requested by the State Personnel Board.

(e) In developing its implementation plan in 2003, each state agency may rely upon data gathered from its 2002 survey.

(f) Each state agency shall submit its implementation plan to the State Personnel Board no later than October 1 of each applicable year. The board shall review each plan, and, if it determines that the plan fails to address the identified deficiencies, the board shall order the agency to supplement or make changes to its plan. A state agency that has been determined to be deficient shall report to the State Personnel Board every six months on its progress in addressing the identified deficiencies.

(g) If the board determines that a state agency has not made reasonable progress toward complying with this chapter, the board may issue orders that it deems appropriate to effectuate the purposes of this chapter.

7299.5. The State Personnel Board may exempt state agencies from the requirements of Section 7299.4, where the State Personnel Board determines that any of the following conditions apply:

(a) The agency's primary mission does not include responsibility for furnishing information or rendering services to the public.

(b) The agency has consistently received such limited public contact with the non-English-speaking public that it has not been required to employ bilingual staff under Section 7292 and the agency employs fewer than the equivalent of 25 full-time employees in public contact positions.

In order to receive an exemption, each state agency shall annually petition the State Personnel Board for the exemption and receive approval in writing by the date established by the board. An agency may receive an exemption for up to five consecutive surveys or implementation plans, if it demonstrates that it meets the requirements of subdivision (a) or (b), and provides all required documentation to the State Personnel Board.

7299.6. The State Personnel Board shall review the results of the surveys and implementation plans required to be made by Section 7299.4, compile this data, and provide a report to the Legislature every two years. The report shall identify significant problems or deficiencies and propose solutions where warranted.

7299.8. It is not the intent of the Legislature in enacting this chapter to prohibit the establishment of bilingual positions, or printing of materials, or use of qualified interpreters, where less

than 5 percent of the people served do not speak English or are unable to communicate effectively, as determined appropriate by the state or local agency. It is not the intent of the Legislature in enacting this chapter to require that all public contact positions be filled with qualified bilingual persons.

## Appendix C

### Survey Results

Does your law enforcement department have a significant number of interactions with non-English speakers?

Yes	No
Atherton	Brisbane
Belmont	Burlingame
Colma	Hillsborough
Daly City	Pacifica
East Palo Alto	
Foster City	
Menlo Park	
San Bruno	
City of San Mateo	
San Mateo Sheriff*	
South San Francisco	

What language(s) in addition to English is spoken by a significant number of people with whom your department has interaction?

Spanish – 19  
None – 1(Hillsborough)

What number and percentage of your law enforcement officers are fluent in each of the languages listed?

Atherton = 1 officer, 2 dispatchers  
Belmont = 0%  
Brisbane = 18%  
Burlingame = 8%  
Colma = 20%  
Daly City = 10%  
East Palo Alto = 12%  
Foster City = 16%  
Hillsborough = 0%  
Menlo Park = 8%  
Pacifica = 15%  
Redwood City = 16%  
San Bruno = 22%  
City of San Mateo = 10%  
San Mateo Sheriff = 14%  
South San Francisco = 10%

\*Includes Half Moon Bay, Millbrae, Portola Valley, San Carlos, Woodside, and the unincorporated areas of the County.

Do you consider that you have a sufficient number of multilingual officers?

Yes	No
Atherton	Belmont
Brisbane	Colma
Burlingame	Daly City
Foster City	East Palo Alto
Hillsborough	Menlo Park
	Pacifica
	Redwood City
	City of San Mateo
	San Bruno
	San Mateo Sheriff*
	South San Francisco

What issues do non-English speakers present to your department?

Communication and accurate reporting = 16  
None = 4

Does your department have a stated policy and/or an active program addressing the recruiting, hiring and retention of multilingual officers and does your department have written policy/procedures when encountering a non-English speaker?

Yes	No
Belmont	Atherton
Brisbane	Colma
Burlingame	Daly City
Foster City	East Palo Alto
Menlo Park	Hillsborough
San Mateo	Pacifica
San Mateo Sheriff*	San Bruno
South San Francisco	Redwood City

Are multilingual police officers paid a premium?

Yes	No
Atherton = 5%	Brisbane
Belmont = 5%	Colma
Burlingame = 5%	
Daly City = \$30 per pay period	
East Palo Alto = \$100 per month	
Foster City = \$75 per month	
Hillsborough = 5%	
Menlo Park = \$75 per pay period	
Pacifica = \$373 per month	
Redwood City = 2.5%-5% relative to proficiency	
San Bruno = 2.5% relative to proficiency	
City of San Mateo = \$181.96 bi-weekly	
San Mateo Sheriff* = \$42.50 bi-weekly	
South San Francisco = 5% relative to proficiency	

Does your jurisdiction have in-house translators for police business?

Yes	No
Atherton	Belmont
Burlingame	Brisbane
Daly City	Colma
East Palo Alto	Foster City
Hillsborough	Pacifica
Menlo Park	
Redwood City	
San Bruno	
City of San Mateo	
San Mateo Sheriff*	
South San Francisco	

Does your city use outside vendors for translating? Who are those vendors?

Yes	No
<i>Language Line</i>	
Atherton	Brisbane
Belmont	Hillsborough
Burlingame	
Colma	
Daly City	
East Palo Alto	
Foster City	
Menlo Park	
Pacifica	
Redwood City	
San Bruno	
City of San Mateo	
San Mateo Sheriff*	
South San Francisco	

## Appendix D - Example



### Menlo Park Police Department Policy Manual

## Limited English Proficiency Services

### 368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

#### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized Interpreter** - Any employee who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

**Bilingual** - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

**Interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

**Limited English Proficient (LEP)** - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 368.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the Department of Justice *LEP Guidance to Federal Financial Assistance Recipients* available at the DOJ website in determining which measures will provide reasonable and meaningful access to

Limited English Proficiency Services - 183

Adopted: 2012/09/28 © 1995-2012 Latpal, LLC

Issued: March 20, 2013



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** May 28, 2013  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Klara A. Fabry, Public Services Director  
**SUBJECT:** Approve Response to the San Mateo County Grand Jury Report Related to "Water Recycling – An Important Component of Wise Water Management"

**BACKGROUND:**

Earlier this year, the City responded to the San Mateo County Grand Jury's questionnaire, which asked for our progress towards the production and use of recycled water as a co-owner of the Water Quality Control Plant (WQCP). On March 6, 2013 the Grand Jury filed a report titled "Water Recycling- An Important Component of Wise Water Management". The Grand Jury report identifies the City of San Bruno in collaboration with the City of South San Francisco as having studied the feasibility of using and producing recycled water. Providing recycled water in San Bruno is cost prohibitive at this time. San Bruno and South San Francisco staff will continue to monitor funding options, and if grant funds become available, both jurisdictions will pursue the opportunity.

Recycled water is wastewater (sewage) treated to remove solids and certain other impurities such as metals and ammonia, so the water can be used in landscape irrigation and industrial processes or to recharge groundwater aquifers. A dual piping network that keeps recycled water pipes completely separate from drinking water pipes is required to distribute the recycled water to end users. Water recycling would help the county and cities reduce dependency from the Hetch Hetchy system and reduce overall potable water usage by 20% by the year 2020 as required under the California "20 x 2020 water Conservation Plan".

**DISCUSSION:**

The Grand Jury report requires the City respond to and comment on its six findings and three recommendations by June 4, 2013. The City is in general concurrence with the Grand Jury findings that: there is a growing imbalance between water supply and demand, there is a need to reduce dependence on imported water, water recycling can help mitigate the imbalance between water supply and demand, educational programs are necessary and the region would benefit from collaborative arrangements to produce and distribute recycled water.

The Grand Jury's three recommendations that require City response are summarized as follows:

- 1) Finalize the current feasibility study. *The feasibility studies prepared with South San Francisco and its partners were completed in 2007.*

7.6

- 2) Actively pursue partnerships for producing and distributing recycled water. *The City and its water partners have actively sought customer commitments to participate in recycled water projects including the Golden Gate National Cemetery in San Bruno.*
- 3) Develop educational programs designed to highlight the need for recycled water while addressing public health risk concerns. *Public education has been conducted through the community schools to provide tours and education on wastewater reclamation, stormwater quality and recycled water. The City will work with its partners to expand information on recycled water provided at tours and presentations and will develop new printed informational handouts specifically targeted on recycled water.*

Staff will report back to the Grand Jury through this attached letter with Council's concurrence. If this Grand Jury report generates regional interest among jurisdiction to provide recycled water, staff will provide an update to the City Council.

**FISCAL IMPACT:**

There is no fiscal impact for this item as it is a response to the Grand Jury.

**ALTERNATIVES:**

Modify the response letter.

**RECOMMENDATION:**

Approve response to the San Mateo County Grand Jury report related to "Water Recycling – An Important Component of Wise Water Management".

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Response to Grand Jury Report
2. Grand Jury letter dated March 6, 2013

**DATE PREPARED:**

April 23, 2013

**REVIEWED BY:**

\_\_\_\_\_ CM

\_\_\_\_\_ FD, Other



Jim Ruane  
Mayor

MAYOR

May 29, 2013

Honorable Richard C. Livermore  
Judge of the Superior Court  
c/o Charlene Kresevich  
Hall of Justice  
400 County Center, 8<sup>th</sup> Floor  
Redwood City, CA. 94063-1655

**Re: Grand Jury Report: "Water Recycling – An Important Component of Wise Water Management"**

Hon. Richard C. Livermore,

Pursuant to the letter we received dated March 6, 2013 from Mr. John Fitton, on behalf of the 2012-2013 Grand Jury of the County of San Mateo, the City of San Bruno would like to take this opportunity to respond to the findings and recommendations of the Grand Jury with respect to its report titled "Water Recycling – An Important Component of Wise Water Management".

We would also like to thank the Civil Grand Jury for its work on this subject and efforts with this report regarding the use of recycled water within the region. The City of San Bruno generally agrees with the report as it outlines the potential uses and need for its delivery within San Mateo County. The City of San Bruno in collaboration with the City of South San Francisco shares in these concerns and has spent a considerable amount of time and effort over the past seven years reviewing and planning for the use within our region of recycled water produced by our co-owned plant with the City of South San Francisco. The City and its partners have spent nearly \$454,000 in research and development in hopes to be able to make this project a reality. This response was approved by the City Council at its May 28, 2013 regular meeting.

The City has not seen or reviewed the data, which the Grand Jury had in its possession to arrive at the findings listed below. The City's responses to the Grand Jury's recent findings are as follows;

***Finding No.1 There is a growing imbalance in the County and the region between water supply and demand.***

The City of San Bruno generally agrees with this finding.

***Finding No. 2. The County and Cities must reduce their residents' dependence on imported water by diversifying their water supply sources.***

The City of San Bruno generally agrees with this finding.

***Finding No. 3 Water Recycling alone cannot completely mitigate the growing imbalance between water supply and demand, but used in conjunction with other water management options it can help the County and Cities maintain a safe and reliable water source.***

The City of San Bruno generally agrees with this finding.

***Finding No. 4 Properly produced and used, recycled water poses little or no public health risk.***

The City of San Bruno generally agrees with this finding based upon its own studies in collaboration with the City of South San Francisco and information provided to it by consultants.

***Finding No. 5 Educational programs are necessary to highlight the growing importance of recycled water in the County and the region.***

The City of San Bruno agrees with this finding.

***Finding No. 6 The County and Cities would benefit from collaborative arrangements to jointly produce and distribute recycled water where appropriate.***

The City of San Bruno agrees with this finding, especially given the high cost associated with recycled water distribution.

The City, therefore, is in general concurrence with all of the findings of the Grand Jury as listed above. The City's responses to the recommendations listed by the Grand Jury are as follows;

***Recommendation 3 Finalize current feasibility studies.***

The City of South San Francisco along with its partners finalized the feasibility study in 2007 and corollary studies through 2011.

***Recommendation 4 actively pursue partnerships for producing and distributing recycled water.***

Since the inception of the project the cities of South San Francisco and San Bruno have partnered most closely with the San Francisco Public Utilities Commission, but also with Cal Water Service, the Cities of Millbrae, Burlingame, and the San Francisco Airport. San Bruno has also sought customer commitments from the Golden Gate National Cemetery, California Golf Club, Colma Cemeteries, and the South San Francisco School District.

***Recommendation 5 Develop educational programs designed to highlight the need for recycled water, while addressing public health risk concerns.***

The South San Francisco/San Bruno Water Quality Control Plant staff conduct tours of the facility and outreach to community schools to educate the public about wastewater reclamation, stormwater quality, and recycled water. Information on recycled water can be expanded upon in

the tours and presentations. Staff is currently working on new printed materials specifically targeted to information on recycled water. Staff will improve and strengthen this effort.

Please feel free to contact Klara Fabry, Public Services Director if you have any questions.

Sincerely,

Jim Ruane  
Mayor

Superior Court of California, County of San Mateo  
Hall of Justice and Records  
400 County Center  
Redwood City, CA 94063-1655

JOHN C. FITTON  
COURT EXECUTIVE OFFICER  
CLERK & JURY COMMISSIONER

(650) 599-1210  
FAX (650) 363-4698  
www.sanmateocourt.org

March 6, 2013

RECEIVED

MAR 07 2013

CITY MANAGERS OFFICE

City Council  
City of San Bruno  
567 El Camino Real  
San Bruno, CA 94066

→ Mayor &  
Council 3/11

Re: Grand Jury Report: "Water Recycling – An Important Component of Wise Water Management"

Dear Councilmembers:

The 2012-2013 Grand Jury filed a report on March 6, 2013 which contains findings and recommendations pertaining to your agency. Your agency must submit comments, within 90 days, to the Hon. Richard C. Livermore. Your agency's response is due no later than June 4, 2013. Please note that the response should indicate that it was approved by your governing body at a public meeting.

For all findings, your responding agency shall indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury recommendation, your responding agency shall report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

Please submit your responses in all of the following ways:

1. Responses to be placed on file with the Clerk of the Court by the Court Executive Office.
  - Prepare original on your agency's letterhead, indicate the date of the public meeting that your governing body approved the response address and mail to Judge Livermore.

Hon. Richard C. Livermore  
Judge of the Superior Court  
c/o Charlene Kresevich  
Hall of Justice  
400 County Center; 2<sup>nd</sup> Floor  
Redwood City, CA 94063-1655.

2. Responses to be placed at the Grand Jury website.
  - Copy response and send by e-mail to: [grandjury@sanmateocourt.org](mailto:grandjury@sanmateocourt.org). (Insert agency name if it is not indicated at the top of your response.)
3. Responses to be placed with the clerk of your agency.
  - File a copy of the response directly with the clerk of your agency. Do not send this copy to the Court.

For up to 45 days after the end of the term, the foreperson and the foreperson's designees are available to clarify the recommendations of the report. To reach the foreperson, please call the Grand Jury Clerk at (650) 599-1210.

If you have any questions regarding these procedures, please do not hesitate to contact Paul Okada, Chief Deputy County Counsel, at (650) 363-4761.

Very truly yours,



John C. Fitton  
Court Executive Officer

JCF:ck  
Enclosure

cc: Hon. Richard C. Livermore  
Paul Okada

Information Copy: City Manager



## WATER RECYCLING – AN IMPORTANT COMPONENT OF WISE WATER MANAGEMENT

### SUMMARY

San Mateo County's more than 720,000 residents are almost completely dependent on the Hetch Hetchy regional water system, a system vulnerable to drought and changing weather patterns. Facing an expanding population and a limited water supply, San Mateo County (County)<sup>1</sup> and its 20 cities and towns (Cities) must reduce their residents' dependence on imported water by diversifying their water supply sources. One way to diversify is through the increased use of recycled water.

Water recycling alone cannot completely mitigate the growing imbalance between water supply and demand, but used in conjunction with other water management options it can help the County and Cities maintain a safe and reliable water source.

Water recycling reduces regional dependence on imported water by providing a local, drought-resistant water source. It enhances water quality by reducing discharges to and diversions from ecologically sensitive water bodies. It is environmentally sustainable and has a smaller energy footprint than most other water supply sources.

The 2012-2013 San Mateo County Civil Grand Jury (Grand Jury) investigated recycled water use and found that only the cities of Daly City and Redwood City have implemented water recycling programs. The cities of Brisbane, Foster City, Pacifica, San Bruno, South San Francisco, and San Mateo have water recycling programs under consideration. The cities of Atherton, Belmont, Burlingame, Colma, Half Moon Bay, Hillsborough, Menlo Park, Millbrae, Portola Valley, San Carlos, and Woodside, plus the County, do not currently plan to develop water recycling programs. East Palo Alto did not respond to the Grand Jury's survey.

The Grand Jury recommends that Daly City and Redwood City study expansion of their programs into other non-potable uses of recycled water, as well as geographic expansion of their distribution system. The Grand Jury recommends the cities of Brisbane, Foster City, Pacifica, San Bruno, South San Francisco, and San Mateo finalize their feasibility studies and develop educational programs designed to highlight the need for recycled water, while addressing public health risk concerns. The Grand Jury recommends the remaining Cities and the County engage in active dialogue with water purveyors and wastewater treatment providers, as applicable, about the feasibility of developing programs for recycling water.

### BACKGROUND

Population growth and climate change put at risk the reliability and sustainability of the water supply that many of us take for granted. Our region's imported water supplies, while still capable

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<sup>1</sup> The term "County" in this report refers to the government of the County or the geographic area of the County, as appropriate to the context in which it is used.

of meeting demands during years of normal rainfall, are increasingly less reliable when rainfall is below normal. This problem will continue to worsen as more people and businesses move into the region thereby increasing the demand for water. The *San Francisco Bay Area Integrated Regional Water Management Plan*<sup>2</sup> highlights the growing imbalance between water supply and demand and provides a blueprint for improving the region's water supply reliability. The plan emphasizes a multi-faceted approach to addressing regional water problems and sets forth a core strategy of increasing the amount of water recycling in the region.

On February 3, 2009, the California State Water Resources Control Board (State Water Board) adopted a policy encouraging the use of recycled water. The State Water Board found that recycled water, when used in compliance with the policy, Title 22, Division 4, Chapter 3 of the California Code of Regulations (CCR), and all applicable state and federal water quality laws, is safe, and strongly supports its use.<sup>3</sup>

With regional and state support for recycled water, the Grand Jury sought to determine what efforts the County and Cities were undertaking to promote and develop programs for recycling water.

## METHODOLOGY

The Grand Jury collected information about water recycling programs in the County via a survey sent to the County Public Works director and each of the Cities' managers. The Grand Jury conducted online research and interviewed representatives from Redwood City, the Bay Area Water Supply and Conservation Agency (BAWSCA), and the South Bayside System Authority. The Grand Jury also toured the South Bayside System Authority treatment facility, the Redwood City recycled water pump station, and a site in Redwood City using recycled water for irrigation.

## DISCUSSION

### The Need for Recycled Water

According to the City/County Association of Governments (CCAG) Energy Strategy 2012 document,<sup>4</sup> the County and Cities' water supply systems may not be able to meet the challenges of population growth and climate change. The San Francisco Public Utilities Commission, operator of the Hetch Hetchy Aqueduct, estimates that the County and Cities will need an additional 5 million gallons of water per day by 2018 to meet projected demands. In order to meet this demand, the County and Cities will need to implement cost-effective and feasible water conservation and recycling programs.

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<sup>2</sup> "San Francisco Bay Area Integrated Regional Water Management Plan," <http://bairwmp.org/plan/executive-summary> (Dec. 19, 2012).

<sup>3</sup> California Recycled Water Policy, [http://www.waterboards.ca.gov/water\\_issues/programs/water\\_recycling\\_policy/](http://www.waterboards.ca.gov/water_issues/programs/water_recycling_policy/) (Dec. 19, 2012).

<sup>4</sup> "San Mateo County Energy Strategy 2012," <http://www.ccag.ca.gov/pdf/USTF/reports/Draft%20County%20Energy%20Strategy.pdf> (Dec. 19, 2012).

The County and Cities must diversify their water supply sources and reduce their residents' dependence on water from the Hetch Hetchy regional water system. Recycled water is one of the keys to reducing potable water use. Recycled water can augment water supplies, reduce the impacts and costs of wastewater disposal, and restore and improve sensitive natural environments. Water recycling would help the County and Cities realize the water conservation goals established in the California "20x2020 Water Conservation Plan," that requires urban water suppliers to reduce potable water use 20% by the year 2020.<sup>5</sup>

### What is Recycled Water?

Recycled water is wastewater (sewage) treated to remove solids and certain other impurities, such as metals and ammonia, so the water can be used in landscape irrigation and industrial processes, or to recharge groundwater aquifers. The term "recycled water" is synonymous with "reclaimed water" or "reused water."

### The Recycling Process

Sanitary sewer systems in the County (Appendix A) deliver wastewater to treatment plants where it progresses through varying degrees of treatment. The end use will dictate whether the wastewater receives primary, secondary, or tertiary treatment and disinfection. (Appendix B)

A dual piping network that keeps recycled water pipes completely separate from drinking water pipes distributes the recycled water to various end users.<sup>6</sup> Effective June 1, 1993, all pipes designed to carry recycled water must be purple, or wrapped in distinctive purple tape and labeled as recycled water.<sup>7</sup>

### Historical Use of Recycled Water

Water recycling has been a part of California's water management plan for more than 100 years.

In the early 1900s, partially treated wastewater and groundwater transformed San Francisco's Golden Gate Park from an area of sand and waste to a garden spot. In the 1930s, construction began on the McQueen Treatment Plant in Golden Gate Park to provide secondary-treated recycled water for park irrigation. This practice continued until 1978 when the McQueen plant stopped operating because it did not meet the new state standards for irrigation use.<sup>8</sup>

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<sup>5</sup> California State Water Resources Control Board - 20x2020 Agency Team on Water Conservation, [http://www.swrcb.ca.gov/water\\_issues/hot\\_topics/20x2020/index.shtml](http://www.swrcb.ca.gov/water_issues/hot_topics/20x2020/index.shtml) (Dec. 19, 2012).

<sup>6</sup> Wikipedia - Reclaimed Water, [http://en.wikipedia.org/wiki/Reclaimed\\_water](http://en.wikipedia.org/wiki/Reclaimed_water) (Dec. 19, 2012).

<sup>7</sup> "California Health Laws Related to Recycled Water", <http://www.cdph.ca.gov/certlic/drinkingwater/Documents/Recharge/Purplebookupdate6-01.PDF> (Dec. 19, 2012).

<sup>8</sup> San Francisco Water - Recycled Water, <http://www.sfwater.org/index.aspx?page=141> (Dec. 19, 2012).

In 1929, Los Angeles County began using recycled water for landscape irrigation in parks and golf courses.<sup>9</sup>

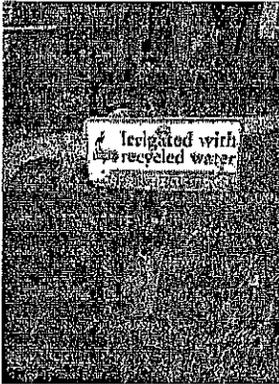
In 1967, the Irvine Ranch Water District (IRWD) began recycling water at its Michelson Water Reclamation Plant. In 1991, IRWD became the first in the nation to obtain health department permits for the interior use of recycled water for flushing toilets and other non-potable uses.<sup>10</sup>

### Current Use of Recycled Water

Californians use recycled water for a variety of purposes including irrigation, toilet flushing, construction, water features, dust control, cooling and air conditioning, soil compaction, commercial laundry, car washing, fire sprinkler systems, and sewer and street cleaning. (Appendix C) *Recycled water must not be used for drinking, bathing, or swimming pools!*

In addition to commercial customers, residential customers are increasingly using recycled water. In southern California, virtually all new residential development serviced by the IRWD are required to use recycled water for landscape irrigation. In northern California, Vintage Greens in Windsor is equipped with dual piping that enables homeowners to use recycled water outside and potable water indoors.<sup>11</sup>

At sites using recycled water for irrigation, signs are displayed warning people not to drink from the irrigation system.



Some local governments, such as Los Angeles and Orange County, are using recycled water for indirect, potable groundwater supply augmentation. The recycled water is pumped into groundwater aquifers, is pumped out, treated again, and then finally used as drinking water. The term for this process is "groundwater recharging."<sup>12</sup>

<sup>9</sup> [http://en.wikipedia.org/wiki/Reclaimed\\_water](http://en.wikipedia.org/wiki/Reclaimed_water)

<sup>10</sup> Ibid.

<sup>11</sup> "Recycled Water: Safe, Successful Use in Hundreds of Cities in California and Throughout America," A Summary Report prepared by the Redwood City Public Works Department, <http://www.datainstincts.com/images/pdf/cacities.pdf> (Dec. 19, 2012).

<sup>12</sup> [http://en.wikipedia.org/wiki/Reclaimed\\_water](http://en.wikipedia.org/wiki/Reclaimed_water)

## Benefits of Recycled Water

Water recycling reduces regional dependence on imported water by providing a local, drought-resistant water source. It enhances water quality by reducing discharges to and diversions from ecologically sensitive water bodies. It is environmentally sustainable and has a smaller energy footprint than most other water supply sources. Recycled water requires about one-eighth the energy required for seawater desalination, less than one-half the energy used by the San Francisco regional water system to bring water to the Bay Area, and one-half to three-quarters the energy required to pump groundwater.<sup>13</sup>

## The Importance of Educating the Public about Recycled Water

The public is more likely to support the use of recycled water when it understands its role in water management objectives. Education must focus on the environmental and economic benefits of recycled water, while addressing public health risk concerns.

Redwood City has a comprehensive program for educating the public about recycled water. The City uses printed materials and engages in public outreach activities in order to increase the public's understanding and acceptance of recycled water. Redwood City also requires that all recycled water site supervisors attend a Site Supervisor Certification Workshop.

## Safety Concerns about Recycled Water

When used properly and for its intended use, recycled water is safe. A 2005 study titled, "Irrigation of Parks, Playgrounds, and Schoolyards with Reclaimed Water," found that there had been no incidences of illness or disease from either microbial pathogens or chemicals, and the risks of using recycled water for irrigation were not measurably different from irrigation using potable water. Studies by the National Academies of Science and the Monterey Regional Water Pollution Control Agency, have found recycled water to be safe for agricultural use.<sup>14</sup>

State law regulates the production and use of recycled water. Title 22, Division 4, Chapter 3 of the CCR establishes water quality and public health requirements for recycled water. The California Department of Public Health is responsible for establishing these requirements and regional water quality control boards are responsible for their enforcement. In addition, Title 17, Division 1, Chapter 5 of the CCR establishes requirements to prevent cross connections between recycled water systems and drinking water systems. State and local health departments enforce these regulations.<sup>15</sup>

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<sup>13</sup> "Importance of Recycled Water to the San Francisco Bay Area" - Bay Area Recycled Water Coalition <http://www.barwc.org/files/LinkClick.pdf> (Dec. 19, 2012).

<sup>14</sup> [http://en.wikipedia.org/wiki/Reclaimed\\_water](http://en.wikipedia.org/wiki/Reclaimed_water)

<sup>15</sup> California Department of Public Health Regulations Related to Recycled Water - January 2009, <http://www.cdph.ca.gov/certlhc/drinkingwater/Documents/Lawbook/RWregulations-01-2009.pdf> (Dec. 19, 2012).

## Cost Concerns about Recycled Water

Most recycled water projects are cost competitive with other water management options when the full range of benefits is considered. For example, the State Recycled Water Task Force, which convened in 2001, estimated that the cost of a recycled water program averaged about \$1,025 per acre-foot (325,853 gallons). The Task Force noted this cost was comparable to costs of other water supply options, including new dams, reservoirs, and desalination. The Task Force's average unit cost estimate is very close to the average unit cost of 26 Bay Area recycled water projects evaluated in 2005. Collectively, the Bay Area projects had an average unit cost between \$1,000 and \$1,200 per acre-foot.<sup>16</sup>

People often use unequal comparisons when evaluating the relative cost of recycled water. For example, the cost of recycled water at the customer's *location* gets compared to the cost of other water supplies at their *source*, without taking into account the transmission, treatment, and distribution costs associated with moving water from its source to the customer's location. Cost comparisons with other supply options commonly ignore differences in delivery reliability and do not account for the cost of wastewater disposal and environmental impact.<sup>17</sup>

Federal, state, and local funding is available to help offset the cost of designing, constructing, and operating water recycling systems. Federal funding is available through the U.S. Bureau of Reclamation under Title XVI of the 1992 Reclamation Wastewater and Groundwater Study & Facilities Act (PL 102-575).<sup>18</sup> State grants are available from a variety of sources including the State Water Board and the California Department of Water Resources.<sup>19</sup> Local funding can include municipal debt repaid through utility rate increases, impact fees, or special assessments.

## Cost of Recycled Water to the End User

To encourage the use of recycled water, end users often receive a discount on their water utility bills.<sup>20</sup> Redwood City, for example, uses the following recycled water pricing policy:

- **For existing irrigation meters/accounts that connect to recycled water:** Twenty five percent discount on monthly water utility bills beginning with the first billing period following connection to the Recycled Water Project. Discount shall apply to prevailing drinking water rates and charges in effect at the time of physical connection. The City will perform and pay for customer site retrofits related to landscape irrigation.
- **For existing industrial meters/accounts that connect to recycled water:** Forty percent discount on monthly water utility bills beginning with the first billing period following

<sup>16</sup> <http://www.barwc.org/files/LinkClick.pdf>

<sup>17</sup> Ibid.

<sup>18</sup> US Department of the Interior/Bureau of Reclamation – Title XVI (Water Reclamation and Reuse) Program, <http://www.usbr.gov/lc/socal/titlexvi.html> (Dec. 19, 2012).

<sup>19</sup> California State Water Resources Control Board – Water Recycling Funding Program, [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/water\\_recycling/](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/water_recycling/) (Dec. 19, 2012);

<sup>20</sup> [http://en.wikipedia.org/wiki/Reclaimed\\_water](http://en.wikipedia.org/wiki/Reclaimed_water)

connection to the Recycled Water Project. Discount shall apply to prevailing drinking water rates and charges in effect at the time of physical connection. Customers will pay for and perform all facilities retrofits for industrial uses.

The North San Mateo County Sanitation District, a subsidiary district of the City of Daly City, also charges its customers using recycled water less than it charges customers using potable water.

### The Need for Regional Collaboration

The growing imbalance between water supply and demand is a statewide problem, not just a problem in the County. Nevertheless, local water recycling projects are necessary to develop the infrastructure and public acceptance for a regional program.

While there is tremendous opportunity for recycled water in the County, there are numerous regional challenges that need to be addressed in order for local governments to realize the potential benefits of recycled water. These challenges include securing federal and state participation in regional projects, coordinating local water plans and projects for regional benefits, resolving jurisdictional constraints, improving public understanding of recycled water, and addressing health risk misconceptions.<sup>21</sup>

BAWSCA is one agency that helps to coordinate local water plans and projects. BAWSCA represents the interests of 24 cities and water districts and 2 private utilities in Alameda, Santa Clara, and San Mateo counties that purchase water wholesale from the San Francisco regional water system.<sup>22</sup> BAWSCA has initiated work on a long-term reliable water supply plan. This plan will quantify the projected water supply needs of its member agencies through year 2035 and identify water supply management projects that meet those needs. BAWSCA has also been helpful in coordinating the inclusion of local water recycling projects in regional packages submitted for state grant funding.

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<sup>21</sup> <http://www.barwc.org/files/LinkClick.pdf>

<sup>22</sup> Bay Area Water Supply and Conservation Agency, <http://bawasca.org/about/> (Dec. 19, 2012).

Summary of Recycled Water Survey Responses

Existing Recycled Water Programs	
<p><b>Daly City/ North San Mateo County Sanitation District</b></p>	<p>The North San Mateo County Sanitation District, a subsidiary district of Daly City, began delivering recycled water to commercial customers in August 2004. The distribution system consists of 4.85 miles of distribution pipeline, 2 pump stations, and 1.4 million gallons of storage. The geographic area served is Northern San Mateo County and the Southwest portion of the City/County of San Francisco through contractual agreements with its golf clubs. This represents 4.2% of the Sanitation District's geographic area. At maximum production, 41% of the Sanitation District's sewage effluent becomes recycled water. Median landscape and playing field irrigation, sewer main flushing, and turf irrigation at the Olympic, San Francisco, Lake Merced, and Harding Park Golf Clubs are the primary uses for the recycled water. Actual usage billed in hundred cubic feet units (748 gallons) determines the charges for recycled water. There are plans to conduct supplementary tests in the winter/spring 2012-2013 to determine if Colma cemeteries, Park Merced, and San Francisco State University can receive recycled water.</p>
<p><b>Redwood City</b></p>	<p>In 2002, Redwood City began planning for the development of a citywide recycled water system to address the very real possibility of severe water shortages in the coming years. The city had been exceeding its Hetch Hetchy water allotment and was searching for a way to use less water. In 2003, the City formed a Community Task Force on Recycled Water to build community support for the project. Initial opposition to the project centered on the safety of children at playgrounds and parks. Physical construction of the recycled water project began in 2005. Phase I of the project became operational in 2010. The distribution system consists of 15+ miles of distribution pipeline, 1 pump station, and 4.36 million gallons of storage. The geographic area served includes Redwood Shores and Seaport. This represents 50% of the geographic area of Redwood City. Currently, Redwood City uses 6% of its sewage effluent as</p>

	<p>recycled water. In 2011, the city saved 169 million gallons of potable water. Redwood City uses recycled water for commercial and residential irrigation, dust control, water features, car washing, and sewer lift station cleaning. Actual usage by metering determines the charges for recycled water. Phase II of the Recycled Water Project calls for expansion into the area west of US 101. In the future, Redwood City can deliver recycled water to adjacent cities.</p>
<b>Recycled Water Projects under Consideration</b>	
<b>Brisbane</b>	<p>Brisbane has a proposed recycled water project under environmental review. The project known as "Brisbane Baylands" is approximately one square mile of underdeveloped brownfield southwest of Candlestick Park on the west side of US 101. Irrigation and toilet flushing within commercial buildings will be the primary uses of the recycled water.</p>
<b>Foster City</b>	<p>Foster City, the Estero Municipal Improvement District, and the City of San Mateo are preparing a Wastewater Treatment Plant Master Plan that will explore the feasibility of producing recycled water. The expected completion date is May 2013.</p>
<b>Pacifica</b>	<p>Pacifica, through a contract with the North Coast County Water District, plans to deliver recycled water for irrigation to Sharp Park Golf Course, Fairway Ballpark, Oceana High School and Ingrid B. Lacy Middle School fields, and the Beach Boulevard Promenade in the Spring of 2013. This represents 10% of its geographic jurisdiction. The recycled water system includes one pump station, three miles of distribution pipeline, and a 400,000-gallon tank. Pacifica anticipates potable water savings of 50 million gallons each year. Recycled water rates will be less than potable water rates.</p>
<b>San Bruno and South San Francisco</b>	<p>San Bruno owns and operates a Water Quality Control plant jointly with South San Francisco. In 2009, a Recycled Water Feasibility Study was completed. A program for recycling water could be operational in the year 2020. The proposed facilities would include approximately four miles of distribution pipe, a 1.4 million gallon per day tertiary treatment system, and two storage tanks. Landscape irrigation at parks and schools in the service area, including the Golden Gate</p>

	National Cemetery and Commodore Park in San Bruno, will be the primary uses for the recycled water.
<b>City of San Mateo</b>	The City of San Mateo is performing a market analysis to identify demand for recycled water. The city plans to serve low-lying areas, encompassing 30-50% of the city's geographic area. Irrigation would be the main use of recycled water.
<b>Cities/Towns Not Planning on Developing Recycled Water Programs</b>	
<b>Atherton</b>	Atherton stated that CalWater handles its water issues. <sup>23</sup> The West Bay Sanitary District collects Atherton's sewage and the South Bayside System Authority treats it.
<b>Belmont</b>	Belmont is not involved in water distribution or wastewater treatment and does not have the infrastructure to undertake such function. The South Bayside System Authority treats its wastewater.
<b>Burlingame</b>	Burlingame uses a small amount of recycled water at the wastewater treatment plant for washing down equipment, but has no plans to develop a program for distributing recycled water.
<b>Colma</b>	Colma does not have a sewer treatment plant, nor is it a water purveyor. Therefore, the revenue source to fund a capital improvement, such as the infrastructure for a recycled water system, becomes very unlikely. Colma would be interested in recycled water for irrigation purposes. The North San Mateo County Sanitation District, a subsidiary district of Daly City, plans to conduct supplementary tests in the winter/spring 2012-2013 to determine if Colma cemeteries can receive recycled water.
<b>Half Moon Bay</b>	The Sewer-Authority Mid-Coastside or the Coastside County Water District is the agency that would implement a program for recycling water. These agencies are responsible for wastewater treatment and water distribution respectively within the city limits of Half Moon Bay.
<b>Hillsborough</b>	Hillsborough does not plan to recycle water. The adjacent cities of Burlingame and San Mateo treat Hillsborough's sewage.

<sup>23</sup> The Grand Jury has limited legal authority to investigate private utility companies such as CalWater.

<b>Menlo Park</b>	Menlo Park did not cite a reason for not developing a program.
<b>Millbrae</b>	Millbrae, from 1988 to 2009, used recycled water for landscaping at the US 101/Millbrae Avenue interchange. The practice stopped in 2009 due to renovations at the city's wastewater treatment plant. The city has one pump station and less than one mile of distribution pipe. The city currently has no plans to expand the distribution system stating that it would be cost prohibitive to do so.
<b>Portola Valley</b>	CalWater provides Portola Valley's water service and the West Bay Sanitary District provides its wastewater service. Neither of these utilities have plans to construct a recycled water system to serve Portola Valley.
<b>San Carlos</b>	San Carlos cited the distance to the treatment facility and overall cost as reasons for not pursuing a recycled water program.
<b>Woodside</b>	Woodside did not cite a reason for not developing a program.
<b>County of San Mateo</b>	Recycled water programs usually exist at large-scale wastewater treatment facilities. The County does not operate any large-scale wastewater treatment facilities.

### Survey Non-Responders

East Palo Alto did not respond to the Grand Jury's survey on Recycled Water.

### FINDINGS

- F1. There is a growing imbalance in the County and the region between water supply and demand.
- F2. The County and Cities must reduce their residents' dependence on imported water by diversifying their water supply sources.
- F3. Water recycling alone cannot completely mitigate the growing imbalance between water supply and demand, but used in conjunction with other water management options it can help the County and Cities maintain a safe and reliable water source.
- F4. Properly produced and used, recycled water poses little or no public health risk.
- F5. Educational programs are necessary to highlight the growing importance of recycled water in the County and the region.
- F6. The County and Cities would benefit from collaborative arrangements to jointly produce and distribute recycled water where appropriate.

## RECOMMENDATIONS

The 2012-2013 San Mateo County Civil Grand Jury recommends that, the *City Councils of Daly City and Redwood City* do the following, on or before June 30, 2014:

- R1. Study expansion of their programs into other non-potable uses of recycled water.
- R2. Study geographic expansion of their recycled water distribution systems.

The Grand Jury recommends that the *City Councils of Brisbane, Foster City, Pacifica, San Bruno, South San Francisco, and San Mateo* do the following, on or before June 30, 2014:

- R3. Finalize current feasibility studies.
- R4. Actively pursue partnerships for producing and distributing recycled water.
- R5. Develop educational programs designed to highlight the need for recycled water, while addressing public health risk concerns.

The Grand Jury recommends that the *County Board of Supervisors and the City/Town Councils of Atherton, Belmont, Burlingame, Colma, East Palo Alto, Half Moon Bay, Hillsborough, Menlo Park, Millbrae, Portola Valley, San Carlos, and Woodside* do the following, on or before June 30, 2015:

- R6. Engage in active dialogue with water purveyors and wastewater treatment providers, as applicable, about the feasibility of developing a program for producing and distributing recycled water.
- R7. Conduct any studies that may be required to develop a program for recycling water.

## REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests the following to respond to the foregoing Findings and Recommendations referring in each instance to the number thereof:

- County Board of Supervisors
- Each City/Town Council in the County

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

APPENDIX A

Sewage Collection Systems within Each Treatment Plant Service Area in the County

Treatment Plant Operator	Collection System Operator **	Serves Unincorporated Area	County District *
North San Mateo County Sanitation District	City of Daly City Town of Colma Westborough County Water District	X	
City of Pacifica	City of Pacifica		
Sewer Authority Mid-Coast	City of Half Moon Bay Montara Sanitary District Granada Sanitary District	X X	
City of San Francisco-Southeast Treatment Plant	City of Brisbane Bayshore Sanitary District Guadalupe Valley Municipal Improvement District	X	
South San Francisco-San Bruno	City of South San Francisco City of San Bruno	X	
Airports Commission, City and County of San Francisco	San Francisco International Airport	X	
City of Millbrae	City of Millbrae		
City of Burlingame	City of Burlingame Burlingame Hills Sewer Maintenance District Town of Hillsborough (part)	X	X
City of San Mateo-Estero Municipal Improvement District	Town of Hillsborough (part) City of San Mateo Crystal Springs County Sanitation District Estero Municipal Improvement District	X	X

Treatment Plant Operator	Collection System Operator **	Serves Unincorporated Area	County District *
South Bayside System Authority	City of Belmont		
	City of San Carlos		
	Harbor Industrial Sewer Maintenance District	X	X
	Scenic Heights County Sanitation District	X	X
	Devonshire County Sanitation District	X	X
	City of Redwood City		
	Edgewood Sewer Maintenance District	X	X
	Emerald Lake Heights Sewer Maintenance District	X	X
	Fair Oaks Sewer Maintenance District	X	X
	Kensington Square Sewer Maintenance District	X	X
	Oak Knoll Sewer Maintenance District	X	X
West Bay Sanitary District	X		
City of Palo Alto	East Palo Alto Sanitary District		

Source: San Mateo County Planning Division

\* The County Public Works Department provides sewer collection services for residents and businesses in the ten sewer maintenance and sanitation districts within the County.

The County does not operate sewage treatment facilities.

\*\* Sewage from all districts flows through the downstream agency's pipes to the wastewater treatment plant. All districts have agreements with the downstream agencies to pay for the use of their pipes and treatment.

APPENDIX B

RECYCLED WATER USES\* ALLOWED IN CALIFORNIA

The same water recycled by WaterReuse Association of California in November 2008. \*As of 12/31/08. Water Recycling Criteria: All Recycled Water must be treated to the level specified in the table below.

Recycled Water Use	Treatment Level			
	Disinfected Tertiary Recycled Water	Disinfected Secondary 2.2 Recycled Water	Disinfected Secondary 2.0 Recycled Water	Undisinfected Secondary Recycled Water
<b>Other Uses</b>				
Groundwater Recharge	ALLOWED under special case-by-case permits by RWOCB <sup>4</sup>			
Flushing toilets and urinals	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Priming drain traps	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Industrial process water that may contact workers	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Structural fire fighting	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Decorative fountains	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Commercial laundries	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Consolidation of backfill material around potable water pipelines	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Artificial snow making for commercial outdoor use	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Commercial car washes, not handling the water, excluding the general public from the washing process	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Industrial process water that will not come into contact with workers	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
(Industrial) boiler feed	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Nonstructural fire fighting	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Backfill consolidation around nonpotable piping	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Solidification	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Mixing concrete	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Dust control on roads and streets	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Cleaning roads, sidewalks and outdoor work areas	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED
Flushing sanitary sewers	ALLOWED	ALLOWED	ALLOWED	NOT ALLOWED

\*This table is part of the WaterReuse Association of California's Water Recycling Criteria. This chart is only an informal summary of the uses allowed in this region. All other uses in this region are subject to the provisions of the Water Recycling Criteria, California, October 18, 2008. See the Water Recycling Criteria for more information.

<sup>1</sup> <http://www.waterreuse.org/waterrecyclingcriteria/>

<sup>2</sup> RWOCB is a non-profit organization. Additional funding for two years or more is necessary with direct donation.

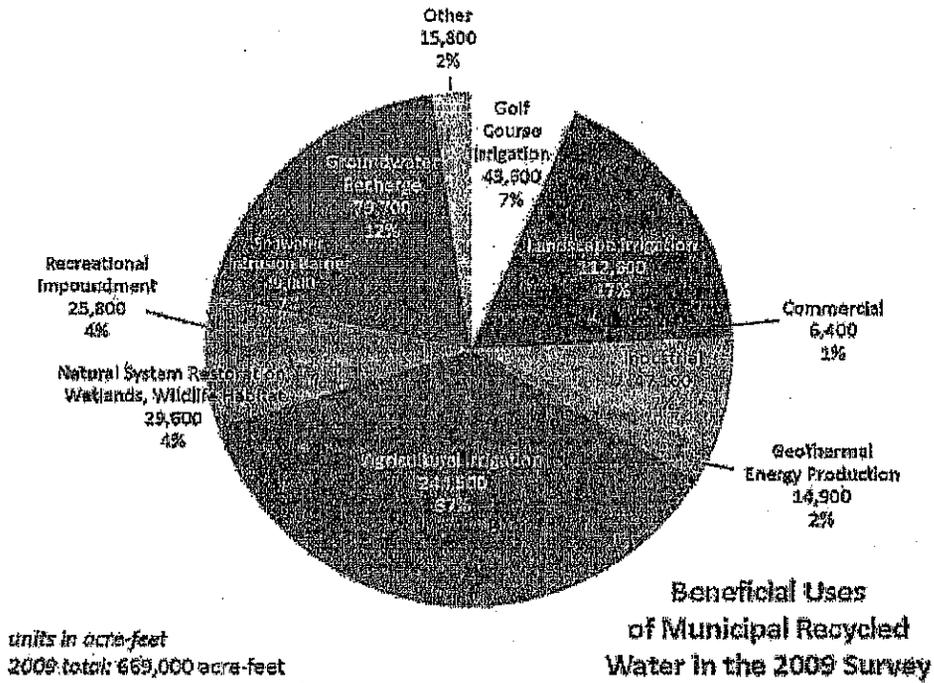
<sup>3</sup> RWOCB is a non-profit organization. Additional funding for two years or more is necessary with direct donation.

<sup>4</sup> RWOCB is a non-profit organization. Additional funding for two years or more is necessary with direct donation.

APPENDIX C

2009 Municipal Wastewater Survey Results

(Conducted by the State Water Resources Control Board and the Department of Water Resources)



An acre-foot is the amount of water needed to cover one acre to a depth of one foot. It is equivalent to 325,853 gallons

Golf Course Irrigation = Public and private courses

Landscape Irrigation = Non-golf course related landscape irrigation, including buildings, highways, schools, and parks

Commercial = Business use, such as laundries and office buildings

Industrial = Manufacturing facilities, cooling towers

Geothermal Energy Production = Augmentation of geothermal fields

Agricultural Irrigation = Pasture or crop irrigation

Natural System Restoration, Wetlands, Wildlife Habitat = Addition to wetlands

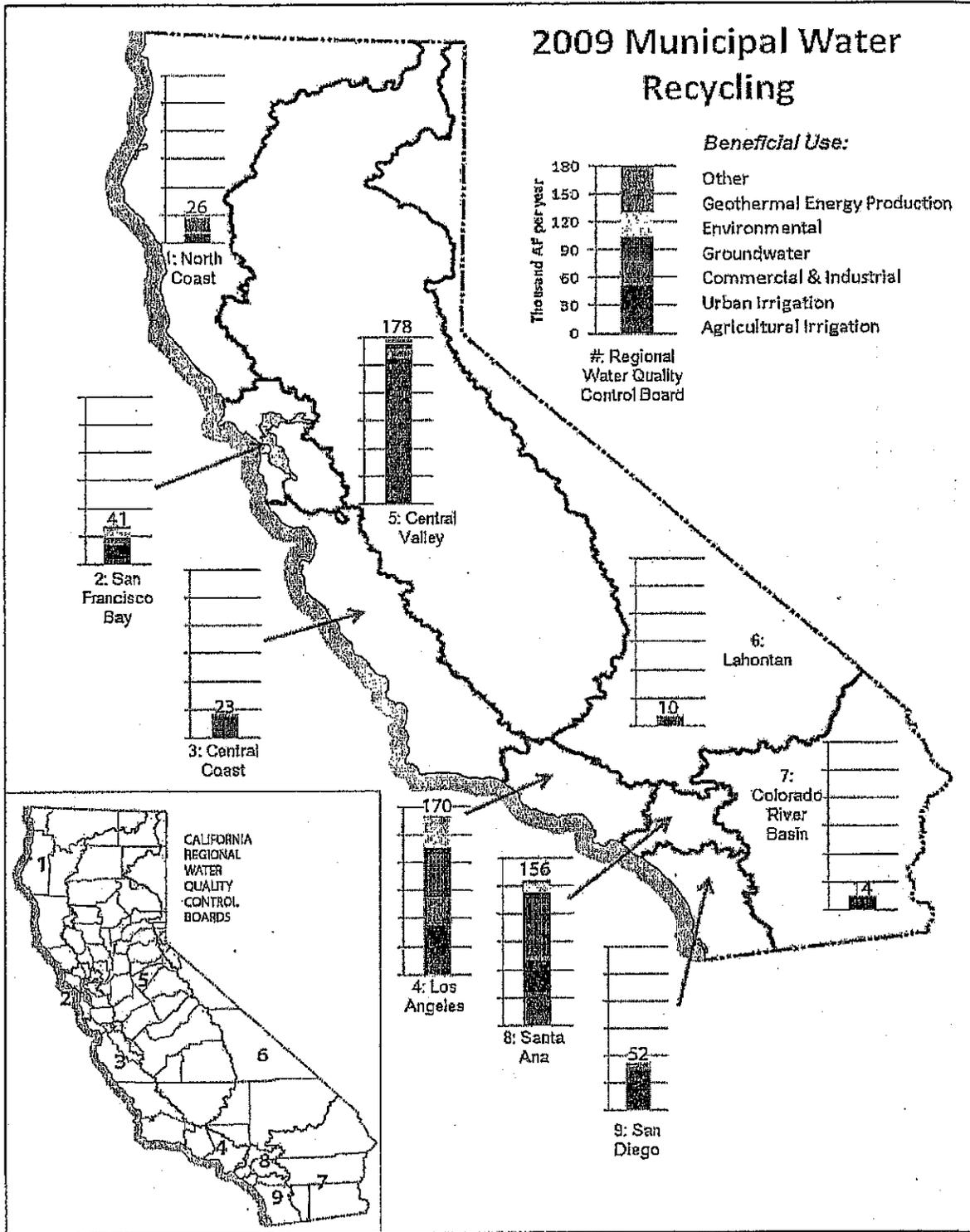
Recreational Impoundment = Addition to recreational lakes

Seawater Intrusion Barrier = Groundwater Injection to prevent or reduce seawater intrusion

Groundwater Recharge = Recharge basins to augment depleted groundwater aquifers

Other = Construction Use, dust control, or unknown

# 2009 Municipal Water Recycling



Issued: March 6, 2013



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** May 28, 2013

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

**FROM:** Mark Ladas, Fire Chief  
Neil Telford, Police Chief

**SUBJECT:** Receive Report on Education and Enforcement Activities for the 2013 Fireworks Season

**BACKGROUND:**

The purpose of this report is to update the City Council on the planning activities by the Fire and Police Departments for the 2013 fireworks season and to seek the City Council's approval of the proposed education and enforcement program. The report includes recommendations from both the Fire Chief and Police Chief for education and enforcement activities surrounding the July 4, 2013 holiday.

**DISCUSSION:**

In previous years, the City Council has directed staff to raise community awareness of the risks involved with fireworks use, and to strictly enforce violations of illegal use. The demand placed on Fire and Police resources typically increases not only on the holiday, but also in the preceding weeks.

Staff is proposing an education and enforcement campaign for 2013 that is similar to the program implemented in recent years. Since the education and enforcement efforts began seven years ago, both departments have noted a steady decline in the number of calls for service from the years prior to the campaign. The goal of this campaign will again focus on preventing the unlawful use of fireworks and enforcing laws related to dangerous fireworks.

The Fire Department will take the lead in educational outreach efforts. Public education messages will be provided in the summer edition of the City's newsletter and on Cable TV at the end of June. There will also be a mandatory meeting in June, with the fireworks industry and community organizations that are requesting a permit to sell Safe and Sane fireworks in San Bruno. This meeting is conducted to review the regulations, safety requirements and timelines related to the sale of fireworks. The meeting will be hosted by the Fire and Police Departments on June 5, 2013.

*10.a.*

The Police Department will encourage residents to report locations where illegal fireworks are used. The Police Department will also make contact with residents in neighborhoods where chronic use has occurred, and inform residents that violations will be strictly enforced. All Department personnel will be required to work July 4, 2013 with the exception of those on a scheduled 40-hour vacation.

The Police Department is again proposing to utilize all available staffing in order to deploy enforcement teams for violations of illegal firework activity during peak times of use. In previous years, the Department has sought assistance from outside agencies to increase the number of personnel dedicated to enforcement. The number of officers available to assist has decreased in recent years, due to the holiday creating a demand for all jurisdictions. In order to have a sufficient number of officers available for the enforcement plan, the Department is seeking assistance from two jurisdictions this year. The Department is also planning to deploy enforcement on the days leading up to the Fourth of July holiday.

**FISCAL IMPACT:**

The estimated costs for the Public Education campaign for 2013 are \$4,500. Estimated staffing costs are as follows:

Fire Department, additional operations	\$16,000
Police Department, enforcement campaign	\$43,200
Public Services, aftermath cleanup	\$ 1,100

The total costs estimated for the education and enforcement campaign is \$64,800, all of which is reimbursed by assessments charged to those organizations permitted for the sale of Safe and Sane fireworks.

**ALTERNATIVES:**

1. Decrease the staff time dedicated to the education and enforcement campaign. This could lead to an increase use in illegal fireworks and limit staff's ability to respond to such complaints.
2. Increase efforts beyond the current proposal. Additional resources would be needed from outside agencies, and availability may be marginal due to the holiday creating a demand in all jurisdictions.

**RECOMMENDATION:**

Receive report on education and enforcement activities for the 2013 fireworks season.

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. 2013 Fireworks Season Planning Document

**DATE PREPARED:**

May 15, 2013

**REVIEWED BY:**

\_\_\_\_\_ CM



2013 Fireworks Season  
Planning Document

**PUBLIC EDUCATION PROGRAM**

- Article in the summer edition of Focus Newsletter distributed to all households in June (**\$1,250**).
- Community Meeting in June with the Fireworks Industry and Community Organizations (**\$ 250**).
- Public Service Announcements to be run on CATV beginning the last week of June leading up to the 4<sup>th</sup> of July (**3,000**).
- Police Department to contact locations identified as significant problems in past years (Included as part of enforcement plan).

**Public Education Program estimated costs for 2013 are approximately \$4,500**

**FIRE DEPARTMENT ADDITIONAL OPERATIONS**

- Additional Command and Suppression Staff for July 4<sup>th</sup> **\$ 6,000**
- Additional Command and Suppression Staff  
dependent on weather and activities July 1<sup>st</sup> – 3<sup>rd</sup> **\$10,000**

The Fire Department will staff one additional engine company with three personnel on July 4<sup>th</sup>. All command staff personnel will also be on duty. Costs for July 1-3 show full staffing costs at Station 51.

**Fire Dept. Operations estimated costs for 2013: \$16,000**

**PUBLIC WORKS CLEANUP COSTS**

- Cleanup costs for post 4<sup>th</sup> of July **\$1,100**

**POLICE DEPARTMENT ENFORCEMENT PROGRAM**

- Police personnel costs for extra patrols July 1<sup>st</sup> – July 3<sup>rd</sup> \$ 3,700
- Police personnel costs for July 4<sup>th</sup> \$28,000
- Additional officers from allied agencies \$11,500

The police department's enforcement plan for July 4, 2013 consists of stepped up patrols dedicated to the strict enforcement of all laws related to the use, possession, and sales of illegal fireworks.

**Police Dept. Enforcement Program estimated costs for 2013: \$43,200**

**2013 FIREWORKS SEASON ESTIMATED CITY COSTS**

**Estimated Costs are: \$64,800**



## STAFF REPORT

CITY OF SAN BRUNO

DATE: May 28, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Klara A. Fabry, Public Services Director

SUBJECT: Adopt Resolution Accepting the Revised San Bruno Grade Separation Archway Design Concept

### BACKGROUND:

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

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

Several gateway design concepts for the Grade Separation Project were reviewed by the City Council at its September 25, 2012 meeting. To further evaluate the available alternatives, a study session was held on October 29, 2012. The City Council reviewed different renderings of an arch concept with vertical structural connections to the overpass structure and a center medallion with the name "San Bruno" on it. The City Council also reviewed color options for the arch and other design details. At the November 27, 2012 meeting, the City Council adopted a resolution accepting the Archway Design concept, directing JPB staff to make minor modifications to the presented design. The City Council adopted a resolution agreeing that the City would pay half of the cost of the Archway Construction at the January 22, 2013 meeting. The JPB has agreed to pay half of the cost as well.

### DISCUSSION:

Following the direction of the City Council, the JPB worked with the architects and engineers to incorporate those changes requested in the design as follows:

1. Redesign the decorative W-shaped struts in the interior of the archway;
2. Incorporate a medallion bearing the City of San Bruno logo into the archway design;

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3. Select colored glass in the adjacent east side elevator tower to complement the green color of the archway;

Other pending design elements of the project need to be finalized and approved by the city such as:

4. Redesign the east side water feature into multi-tiered transit center landscaped planter;
5. Finalize landscaping concepts at First Avenue and at Posy Park;
6. Finalize the reconsideration of a consistent pattern of pedestrian paving;
7. Finalize design of the lighting and associated cladding of the archway, including perforated metal pattern.

Due to time constraints on the construction schedule, the JPB indicates that a decision on the first three items listed above is more critical than the other items.

Item 1: With the redesign of the Archway as approved at the November 27, 2012 City Council meeting, the struts that formed the W are no longer structurally essential to the grade separation and serve only a decorative purpose. As such, the struts can be redesigned to a different shape, or can be eliminated entirely. JPB staff and archway design and engineering team recommend elimination of any struts, resulting in an archway design that is simple, clean and elegant. The addition of struts creates a measure of visual clutter that will clash with other elements of the grade separation, including railing, light poles and supports for train shelters. Elimination of the struts also provides a safety improvement by assuring that there is no part of the structure so close to the rail platform that persons could climb onto the struts or the archway. Should the City Council wish to incorporate decorative struts, those elements will be attached to the archway.

The JPB and archway design team has provided four archway design options as attached to the staff report as Option A, B, C, D and E for consideration by the City Council. Archway design Option A is recommended for the reasons stated above. To meet the timeline for the design of the archway, ordering of materials, construction, delivery and installation and to avoid potential additional costs, a decision is needed on the archway design and whether that design will include attached struts.

Item 2: The initial archway design with decorative struts provided a location for a medallion bearing the City of San Bruno logo, a feature intended to distinguish the grade separation and archway as a unique, distinctive, signature landmark entrance to the City. Eliminating the decorative struts requires relocation of the medallion.

JPB staff and the archway design and engineering team show options for the placement of the medallion on the grade separation and on the alternative struts design options discussed above (attached as Option A, B, C, D and E). Design Option A is recommended. To meet the timeline for the design and placement of the medallion, ordering materials, construction, delivery and installation and to avoid potential additional costs, a decision is needed on the final concept of a medallion and its placement.

Item 3: The archway design concepts have consistently shown the east side elevator tower with colored glass to complement the color of the archway. The JPB staff and the archway design and engineering team recommend a green shade that is lighter than the color of the archway but is a complement to the archway color. A lighter shade ensures that the elevator glass will be sufficiently clear to see into the elevator tower and allow elevator passengers to see out,

creating a safer setting. To meet the timeline for the ordering of materials, construction, delivery and installation of the elevator glass and to avoid potential additional costs, a decision is needed on the final color or whether the glass should be clear.

Item 4: The water feature located on the east side of the platform at the corner of San Bruno Avenue and Huntington has been redesigned to replace the water elements with landscaped planters, based on prior approval of the City to eliminate the water feature at this location. The lower planter is proposed with Yankee Point Carmel Creeper plants and the upper planter is proposed with Lily of the Nile. A new planter is also proposed adjacent to the new Archway foundation with Lilly Turf planting (as shown in the attached presentation).

Item 5: The JPB has completed the final design of the landscape along First Avenue based on the design concept discussed by the City in 2010. The plan includes a retaining wall to provide two levels of landscaped area. The plan also includes trees along the street frontage (as shown in the attached presentation). At Posy Park, JPB staff recommended removal of the two redwood trees and replacement with three new large Sweetgum trees. These trees provide fall color (as shown in the attached presentation).

Item 6: With the previous gateway design options, the architect team expressed concern with the pavement pattern distracting from the gateway design. JPB staff and the architectural team proposed a simplified pavement pattern. As the current archway design does not conflict with the pavement pattern, it is recommended to not make any changes from the original pavement design (shown in the attached presentation).

Item 7: JPB staff and the archway design and engineering team are preparing a mockup of portions of the archway by which the lighting effects and cladding can be more effectively demonstrated. The mockup is currently under construction at the project site and will be ready for demonstration by mid-July.

An additional issue not discussed previously is the water feature at Posy Park. The City has the maintenance responsibility for Posy Park. The new water feature will result in high ongoing maintenance cost to the City as well as additional liability. The City could consider replacing the water feature with landscaping, similar to the recommended change at the station. If requested by the City Council, staff will work with the JPB staff on a revised landscape plan for Posy Park.

City staff will work with JPB staff to conduct a community meeting to present the revised design elements of the grade separation to the neighborhood.

#### **FISCAL IMPACT:**

The City and JPB have agreed to equally fund the cost of the San Bruno Grade Separation Archway design and construction. The City's share of the conceptual design was \$125,000 and the construction cost to the City is estimated at \$605,415 for a total estimated cost of \$730,415.

#### **ALTERNATIVES:**

1. Reject design and/or request a different design.
2. Propose changes to the design.

**RECOMMENDATION:**

Adopt resolution accepting the Revised San Bruno Grade Separation Archway Design Concept.

**DISTRIBUTION:**

1. None

**ATTACHMENTS:**

1. Resolution
2. Design Options A, B, C, D and E
3. San Bruno Archway presentation dated May 20, 2013

**DATE PREPARED:**

May 23, 2013

**REVIEWED BY:**

\_\_\_\_\_CM

RESOLUTION NO. 2013 - \_\_\_\_

**RESOLUTION ACCEPTING THE REVISED SAN BRUNO GRADE SEPARATION ARCHWAY DESIGN CONCEPT**

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

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

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

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

**WHEREAS**, the design engineer prepared several design concepts for a decorative gateway feature, with the City Council agreeing to an arch design concept to be located along the east side of the grade separation overpass structure crossing over San Bruno Avenue.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby accepts the San Bruno Grade Separation Archway Design Concept as attached hereto as Exhibit \_\_\_\_.

Dated: May 28, 2013

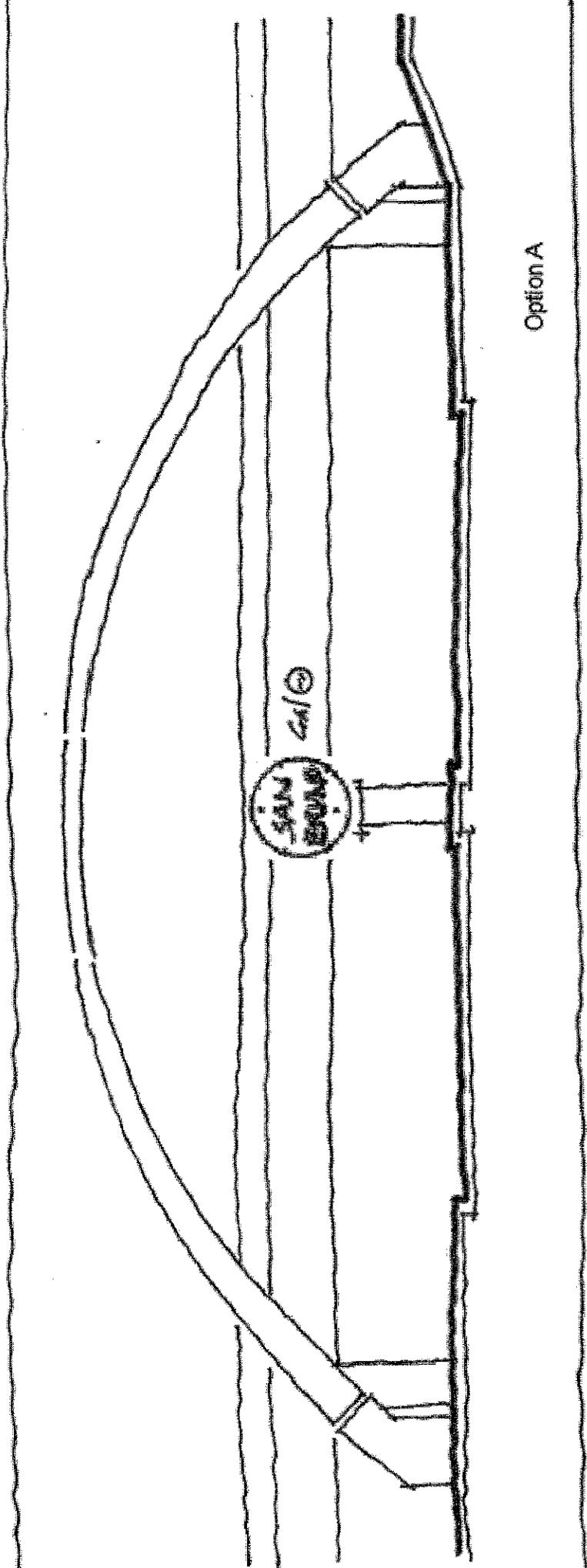
ATTEST:

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

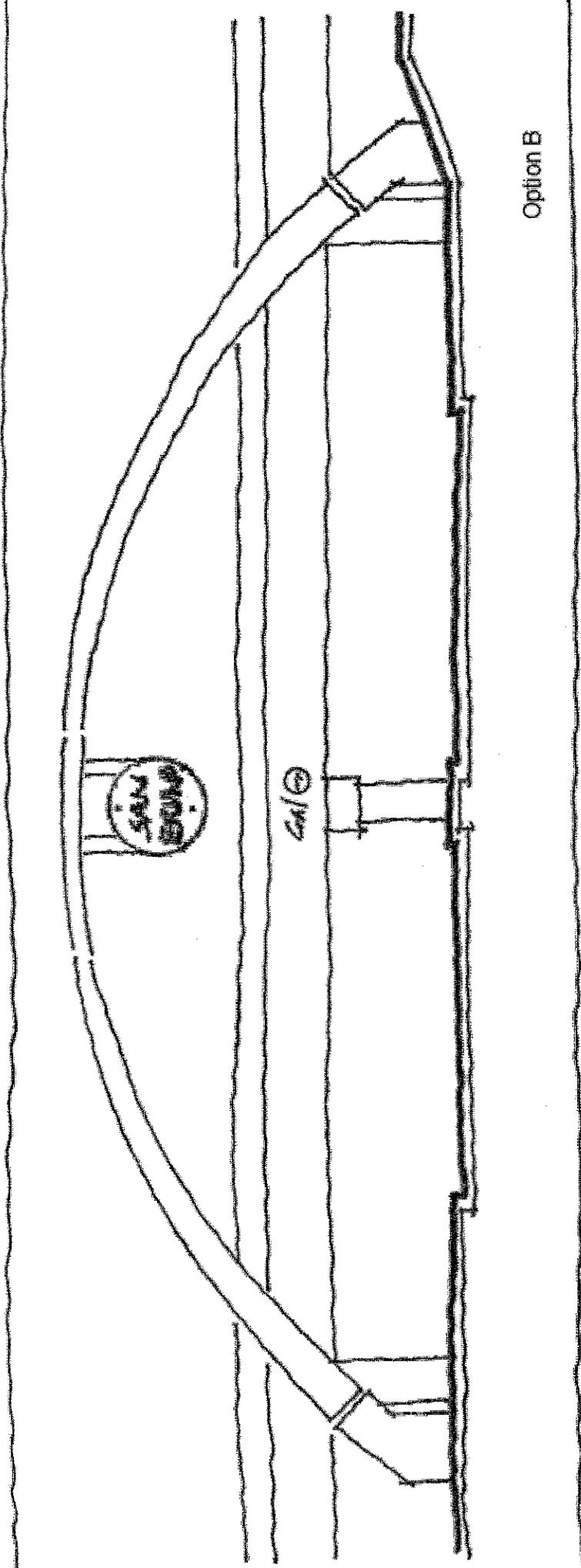
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I, Carol Bonner, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 28th day of May 2013 by the following vote:

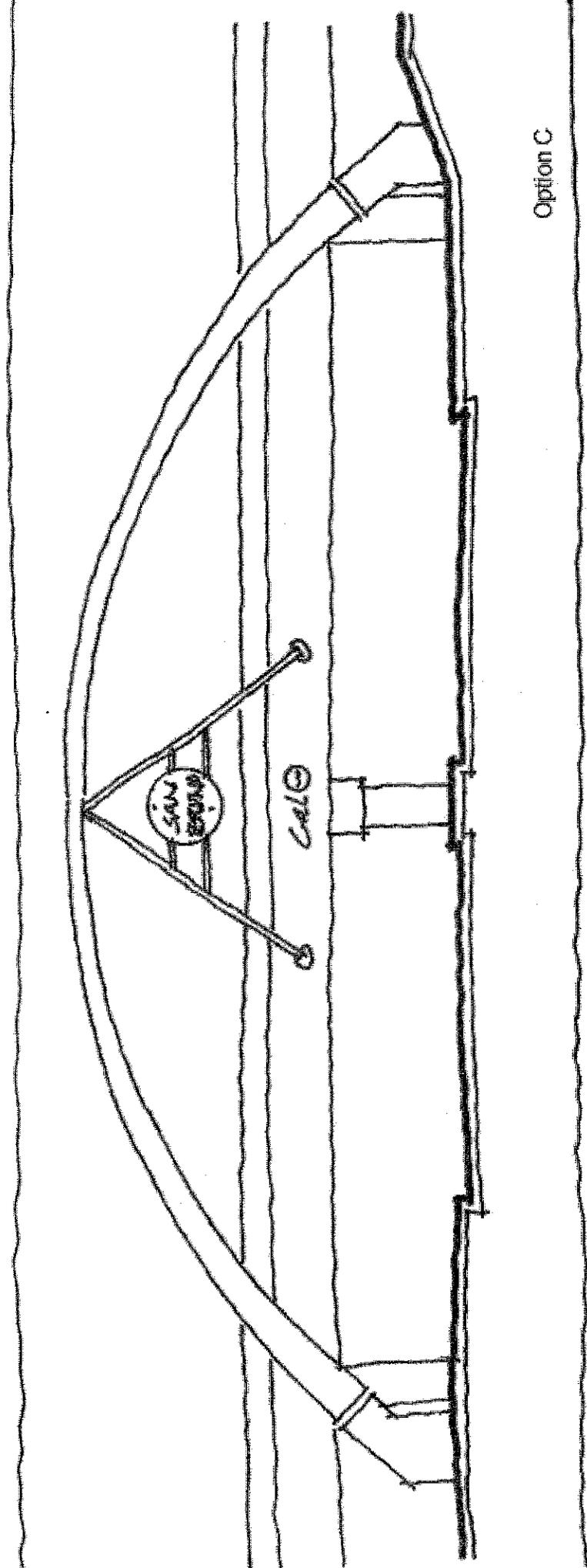
AYES: Councilmembers: \_\_\_\_\_  
NOES: Councilmembers: \_\_\_\_\_  
ABSENT: Councilmembers: \_\_\_\_\_



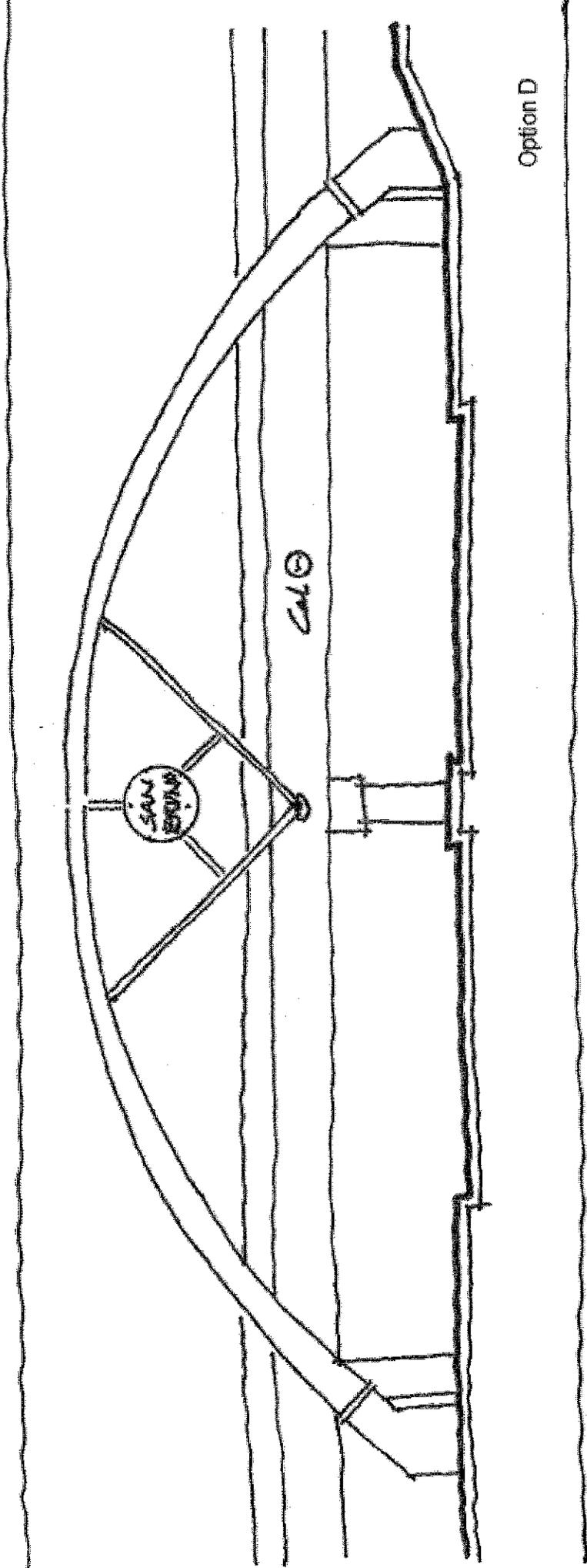
Option A



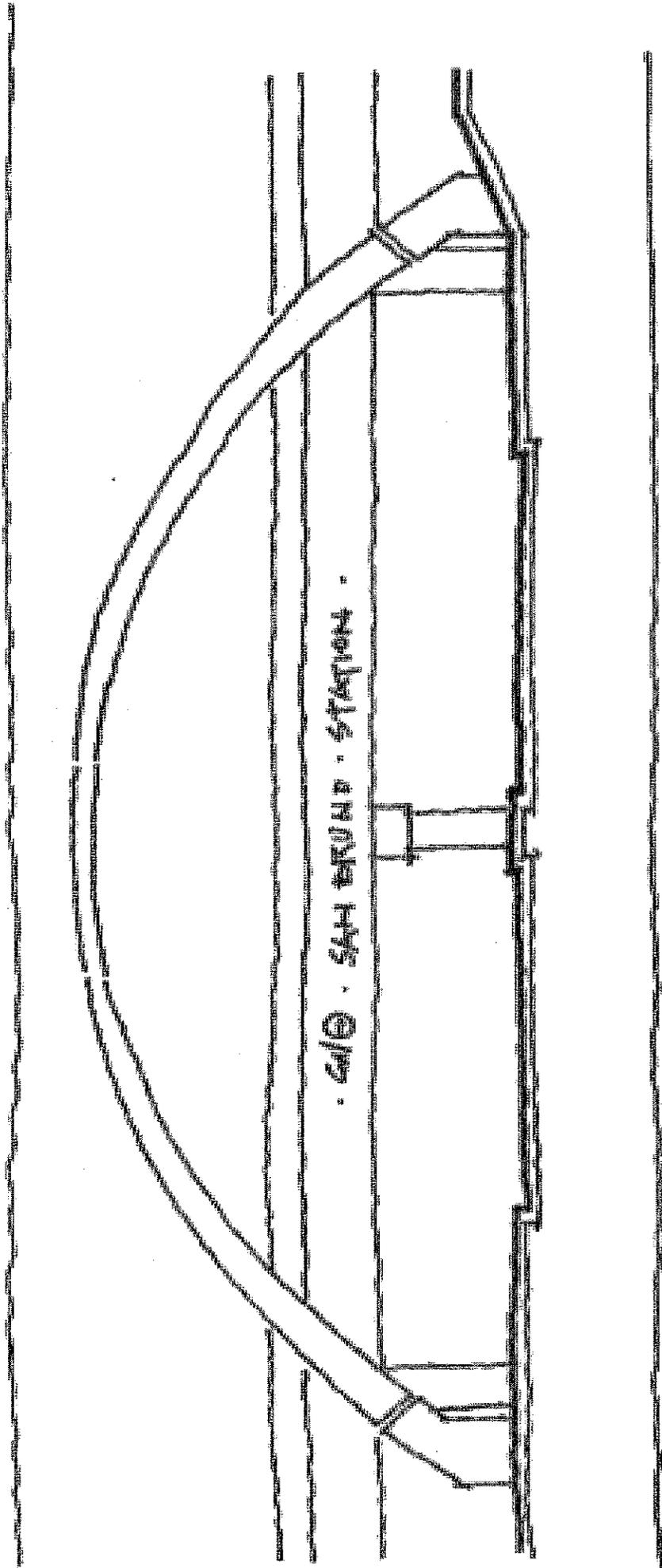
Option B



Option C



Option D



S/10 - SAN KRUM - STATION -

Option E

# San Bruno Archway

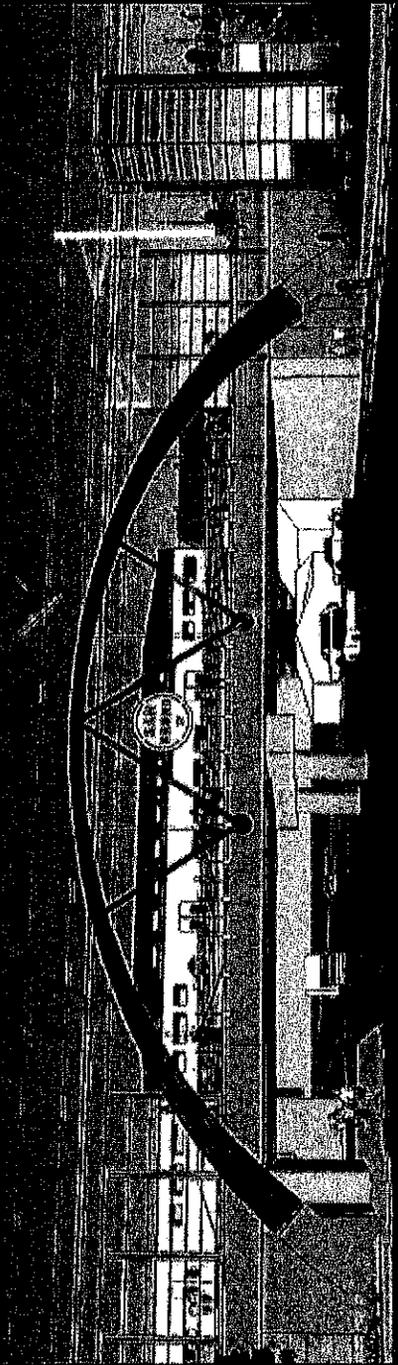
Meeting with City of San Bruno

May 20, 2013

FIELD  
PAOLI



San Bruno Archway  
Concept as of November 27, 2012



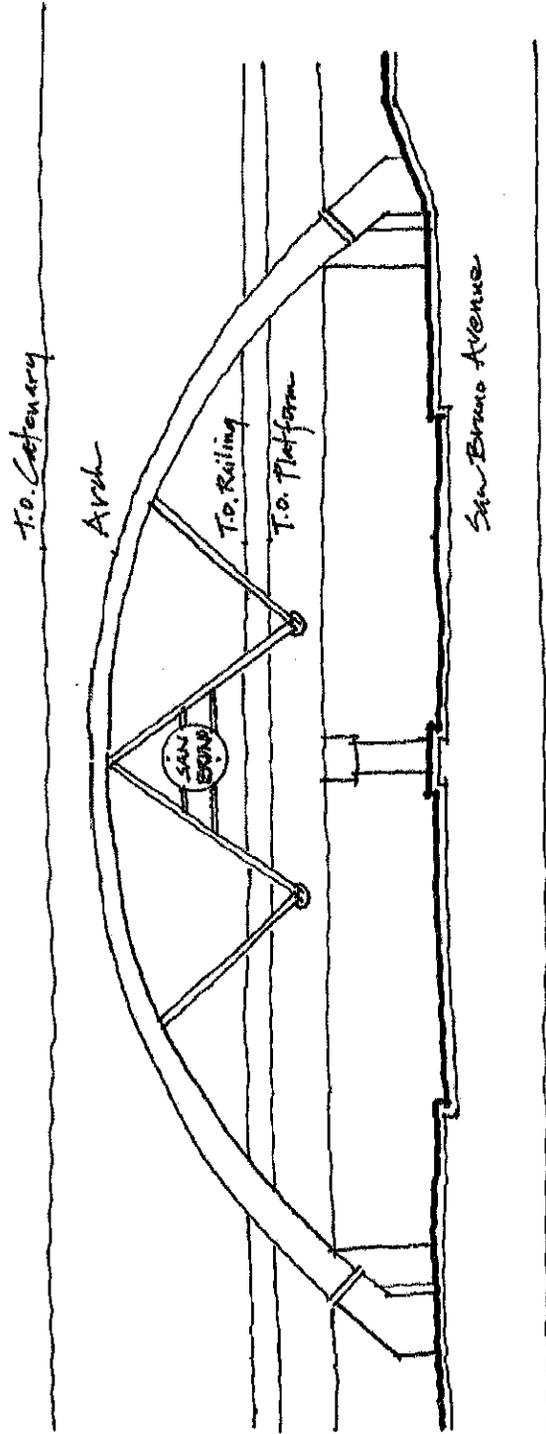
FIELD  
PAOLI

 **train**



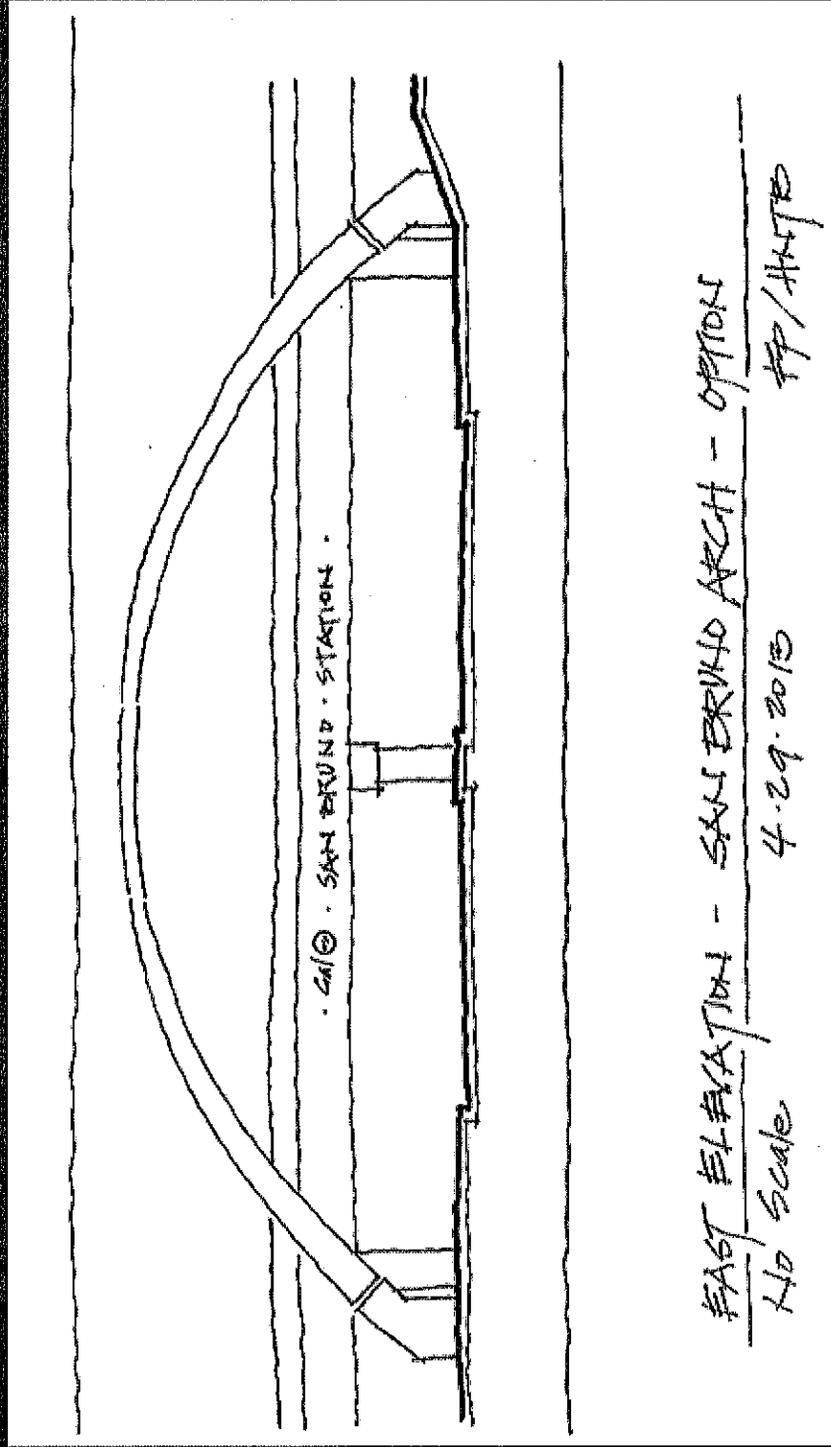
# San Bruno Archway

Concept as of November 27, 2012

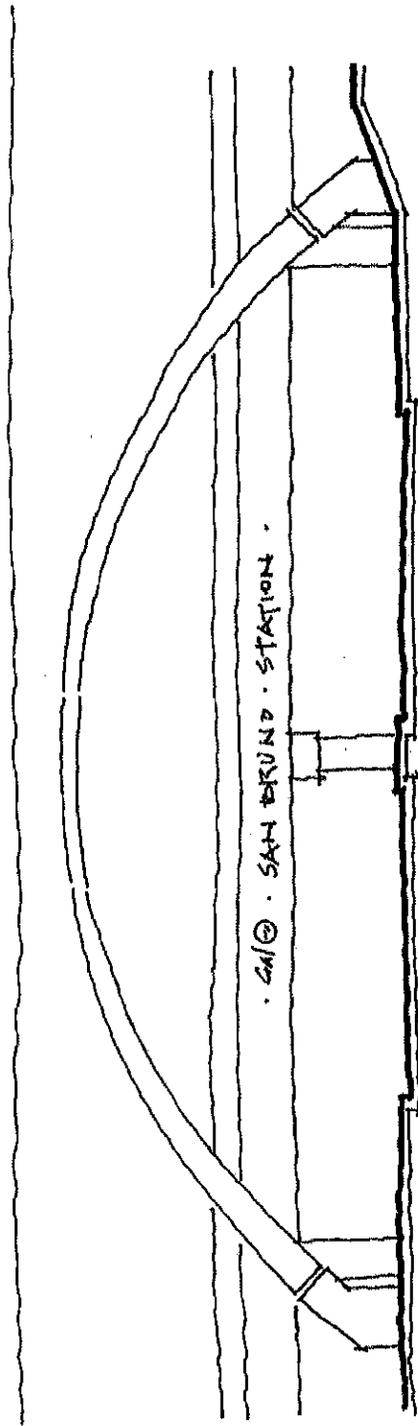


EAST ELEVATION - SAN BRUNO ARCH - OPTION on 11-29-2012  
No Scale 4-29-2013 FP/HSTP

# San Bruno Archway Proposed Concept



# Sain Bruno Archway Proposed Concept

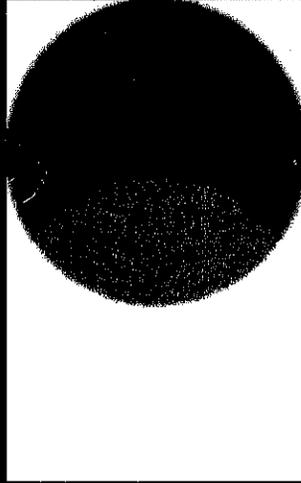


- Earlier concept assumed steel I beam as main structural element. Additional steel struts were required to support arch to prevent buckling in a seismic event.
- Current concept uses square steel HSS beam as main structural element. No additional steel struts are required. This results in a more elegant look.
- Earlier concept did not show signage on platform fascia already included with grade separation project. Removal of duplicate signage results in a cleaner look.



San Bruno Archway  
Proposed Design

COLORS



San Bruno Archway  
Proposed Design

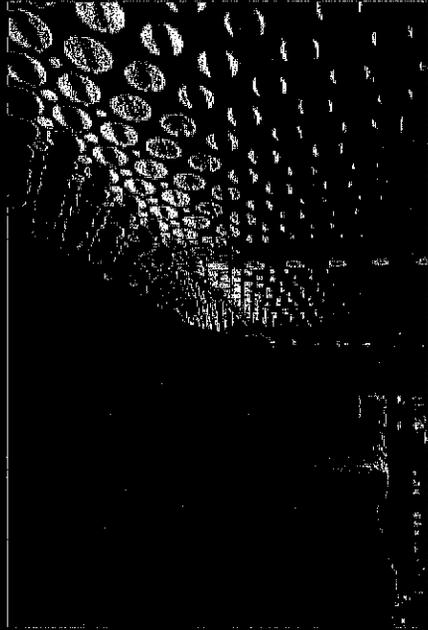
Critical decisions to be made by City:

1. No "W" – Okay?
2. No "medallion" – Okay?
3. Elevator glass color – Clear or Dark Green?

San Bruno Archway  
Proposed Design

Other important decisions to be made by City:

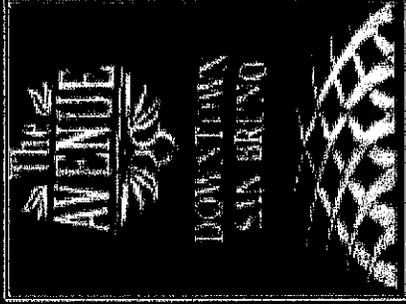
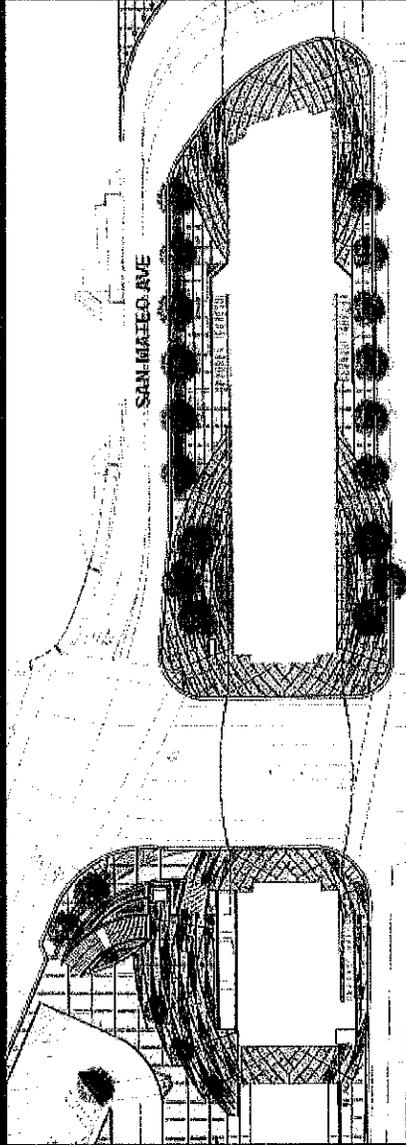
4. Arch cladding – Proposed design okay?



# San Bruno Archway Associated Design Elements

Other important decisions to be made by City:

5. Hardscape – Current design okay?



# San Bruno Archway

## Associated Design Elements

### Landscaping at First Avenue and Posy Park



FIELD  
PAOLI

**train**

San Bruno Archway  
Associated Design Elements

Landscaping at First Avenue and Posy Park



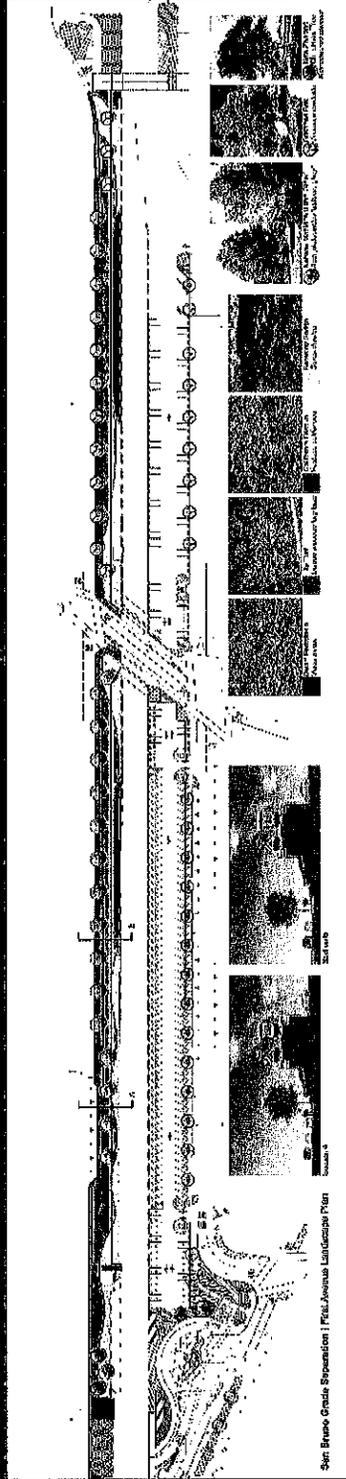
FIELD  
PAOLI

**train**



San Bruno Archway  
Associated Design Elements

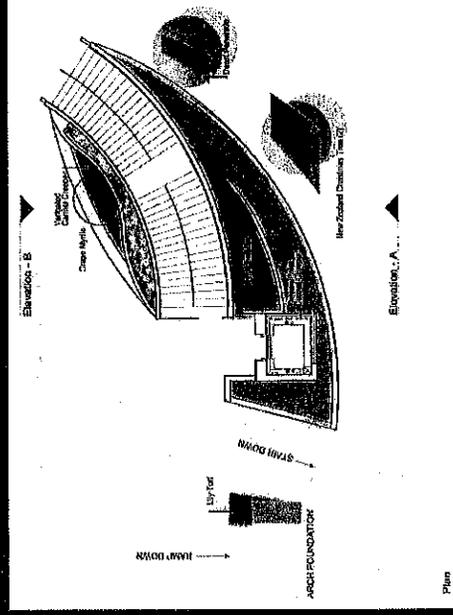
Other important decisions to be made by City:  
6. Landscaping and First Ave and Posy Park -  
Proposed concept okay?



# San Bruno Archway Associated Design Elements

Other important decisions to be made by City:

- 7. Transit Center planter in lieu of water feature  
- Proposed concept okay?



FIELD  
PAOLI

Caltrain

San Bruno Archway  
Associated Design Elements

Other important decisions to be made by City:

8. Color at pedestrian and vehicular underpasses -- No Color or Festive Yellow?



## San Bruno Archway

### Review of Decisions to Be Made by City of San Bruno

#### Critical decisions to be made by City:

1. No "W" – Okay?
2. No "medallion" – Okay?
3. Elevator glass color – Clear or Dark Green?

## San Bruno Archway

### Review of Decisions to Be Made by City of San Bruno

#### Other important decisions to be made by City:

4. Arch cladding – Proposed design okay?
5. Hardscape – Current design okay?
6. Landscaping and First Ave and Posy Park – Proposed concept okay?
7. Transit Center planter in lieu of water feature – Proposed concept okay?
8. Color at pedestrian and vehicular underpasses – No Color or Festive Yellow?

## San Bruno Archway

### Next Steps

#### Next Steps:

1. Final decisions by City on critical and other important items.
2. Field visit by City decision makers to view lighting mock-up and provide input on arch cladding materials and overall look
3. City review of 30% preliminary design submittal.



City Council Agenda Item  
Staff Report

CITY OF SAN BRUNO

DATE: May 28, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Harry Burrowes, Project Manager – Crestmoor Reconstruction

SUBJECT: Adopt Resolution Authorizing the City Manager to Execute a Construction Contract for the Crestmoor (Glenview) Neighborhood Reconstruction – Phase III Utility Replacement Project with JMB Construction, Inc. in the Amount of \$6,473,399 and Approving a Construction Budget of \$9,030,150

**BACKGROUND:**

The reconstruction and rebuilding of infrastructure in the Crestmoor (Glenview) Neighborhood is ongoing. To date, several projects have been completed including the repair and replacement of underground utilities within the fire damaged portion of the neighborhood (Phase II Utility Replacement). The Phase III Utility Replacement Project includes replacement of sewer, water, and storm drain utilities as well as the construction of new underground streetlight conduits within the remaining portions of the neighborhood. The City recently advertised and accepted bids for this work and staff is seeking authorization to award a construction contract to the low bidder.

**DISCUSSION:**

Phase III Utility Replacement Project

The City previously engaged the services of BKF Engineers to perform the design work and prepare plans, specifications, and construction documents for the construction of all infrastructure improvements within the Crestmoor neighborhood. The recent utility replacement project in the fire-damaged area (Phase II) has been completed. The Phase III Utility Replacement Project includes underground utility replacement within remaining portions of the Crestmoor neighborhood, as shown on the attached Exhibit 1. Future phases of work consisting of the “surface improvements” including curb, gutter, and sidewalk replacement, street reconstruction, and new streetlights will be constructed in 2014.

BKF completed design of the Phase III project, incorporating staff’s review comments, in March 2013. In compliance with the State Contract Code and the City’s local purchasing regulations, a Notice to Bidders for this project was posted on the City’s website and advertised in the *San Mateo Daily Journal* newspaper on March 21 and March 28, 2013. A total of seventeen contractors and vendors attended at least one of the two mandatory pre-bid meetings and a total of six bids were received and opened on May 7, 2013. The tabulation of bid results is as follows:

10.c.

<u>No.</u>	<u>Contractor</u>	<u>Basis of Award</u>
1	JMB Construction, Inc.	\$ 6,473,399
2	Ranger Pipelines, Inc.	\$ 7,346,324
3	Mountain Cascade Construction	\$ 7,396,080
4	Trinet Construction, Inc.	\$ 7,636,835
5	Ghilotti Construction, Inc.	\$ 8,179,927
6	McGuire Hester Construction, Inc.	\$ 9,985,905
	<b>Engineer's Estimate</b>	<b>\$ 7,100,000</b>

The lowest bid, by JMB Construction, was approximately 9% below the engineer's estimate. All of the bids were reviewed and found to be responsive. The City's bid process includes a requirement to submit separate qualifications to ensure the bidder is responsible to perform the work. The qualifications include submittal of recent history of safety violation, claims, litigation, resumes/experience of key personnel, and project references. City staff has reviewed JMB's qualification package and performed due diligence in anticipation of award of the contract.

#### Low Bidder Considerations

Upon a review of JMB's qualifications, several items were of initial concern to City staff. Specifically, in 2008 on a sewer project in South San Francisco, JMB hit a gas service line requiring temporary evacuation of the surrounding area. In 2009, JMB had an accident on a project in Novato that resulted in a death of one of their workers by electrocution. Further due diligence of both of these incidents revealed the following:

- The 2008 incident with the PG&E line involved an unmarked gas service to an abandoned building. JMB followed the proper procedure in requesting all underground utilities be marked prior to construction. PG&E did not mark this line, as there was no connection at the existing building, and thus JMB could not have known about its existence.
- The 2009 electrocution fatality was fully investigated by OSHA and resulted in fines and penalties being imposed on JMB. Following this incident, JMB completely overhauled their safety program and culture including the hiring of a safety manager with over 25 years of construction safety experience. As a result of JMB's focus on safety, they have been one of two contractors in the Bay Area recognized for zero jobsite safety incidents for 75,000 – 150,000 man-hours worked for both 2011 and 2012.

Other measures of safety included in the City's required qualifications for JMB were found to be within industry standards. Additionally, in a check of references from other public agencies for completed projects, JMB was highly praised for both their performance as well as absence of safety issues.

Staff believes that neither of the above issues, especially in light of JMB's recent project history, would deem their bid to be non-responsive. Pursuant to the Public Contract Code, the City is required to award the contract to the lowest responsive and responsible bidder. Staff recommends that a contract be awarded to JMB for the Phase III Utility Replacement project.

Project Special Conditions

Given the nature of the past incidents, the Crestmoor Neighborhood is a residential community that will require the contractor to maintain a conscious and diligent effort to respect the resident's sensitivity during the entire duration of the construction. As such, staff has included heightened special conditions as part of the contract to help ensure adherence and compliance with the project's requirements. The special conditions address items such as site behavior (language, smoking, speeding, work hours), dust control (covered loads, street sweeping, no stockpiling on streets), resident coordination and notification, access/traffic control, parking, utility identification and protection, protection of private property, and storage of materials and equipment in the neighborhood.

As an incentive to the contractor to meet or exceed the project requirements, a performance bonus of up to \$60,000 has been included in this contract. If the contractor meets or exceeds the thresholds established in the contract (no more than three notices on non-compliance), they shall be entitled to payment of the bonus. The bonus is back loaded with a majority of the amount payable at final completion as incentive for the contractor to continue to meet the project requirements throughout the contract.

Construction Budget & Schedule

The construction budget of \$9,030,150 includes a construction contingency of 25% as well as administration, inspection, and testing costs. These costs include construction inspection and observation, contract administration, soil compaction testing, submittal review, and other tasks as required in overseeing and administering the construction contract. The contract administration costs are slightly more than the customary estimate of 10% of construction cost. However, the costs reflect actual estimated work and reflect an appropriate effort given the heightened sensitivity required for this neighborhood.

The contract allows 200 working days to complete the project construction. The work will be done in discreet phases to minimize the disruption to the entire neighborhoods at the same time. If the City Council approves award of the contract, construction will commence in mid-June and should be completed in the first quarter of 2014 depending upon the contractor's scheduling and any weather delays.

**FISCAL IMPACT:**

The total cost of the Phase III Utility Replacement construction contract with JMB Construction Inc. is \$6,473,399. The overall construction budget of \$9,030,150 consists of:

JMB Bid Amount	\$ 6,473,149	
Construction Contingency	\$ 1,618,286	25% of construction cost
Constr. Mgmt. & Inspection	\$ 645,000*	8% of total construction cost
City Administration	\$ 81,000	1% of total construction cost
Outside Submittal Review	\$ 3,500	
Soils/Compaction Testing	\$ 202,215	2.5% of total construction cost
Water/Sewer Staff (testing)	\$ 7,000	
<b>Total Construction Budget</b>	<b>\$ 9,030,150</b>	

\* Costs for construction management and inspection are part of previously approved contract for HB Consulting Group.

The costs for this contract will be covered through the City's Trust Agreement funded by PG&E.

**ALTERNATIVES:**

1. Do not award the contract to JMB Construction, Inc. for the Phase III Utility Replacement Project and do not construct the utility replacement improvements. This will not further the City's goals and commitment to reconstruct the Crestmoor Neighborhood.

**RECOMMENDATION:**

Adopt Resolution Authorizing the City Manager to Execute a Construction Contract for the Crestmoor (Glenview) Neighborhood Reconstruction – Phase III Utility Replacement Project with JMB Construction, Inc. in the Amount of \$6,473,399 and Approving a Construction Budget of \$9,030,150

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Resolution
2. Map

**DATE PREPARED:**

May 20, 2013

**REVIEWED BY:**

\_\_\_\_\_ CM

RESOLUTION NO. 2013-\_\_

**AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT FOR THE CRESTMOOR (GLENVIEW) NEIGHBORHOOD RECONSTRUCTION – PHASE III UTILITY REPLACEMENT PROJECT WITH JMB CONSTRUCTION, INC. IN THE AMOUNT OF \$6,473,399 AND APPROVING A CONSTRUCTION BUDGET OF \$9,030,149**

**WHEREAS**, the September 9, 2010 Glenview fire caused significant damage to the public infrastructure in the Crestmoor (Glenview) neighborhood; and

**WHEREAS**, the repair and upgrade of infrastructure is necessary to facilitate and support the rebuilding and occupancy of homes within the Crestmoor neighborhood; and

**WHEREAS**, certain water system, sewer line, and storm drainage upgrades and improvements are necessary to ensure the long term function of the utility systems; and

**WHEREAS**, the City of San Bruno, in conjunction with BKF Engineers, prepared plans and specifications to receive bids for the Crestmoor (Glenview) Neighborhood Phase III Utility Replacement Project; and

**WHEREAS**, the City advertised this project for bid in compliance with State Contract Code, and local purchasing regulations and received six sealed bids; and

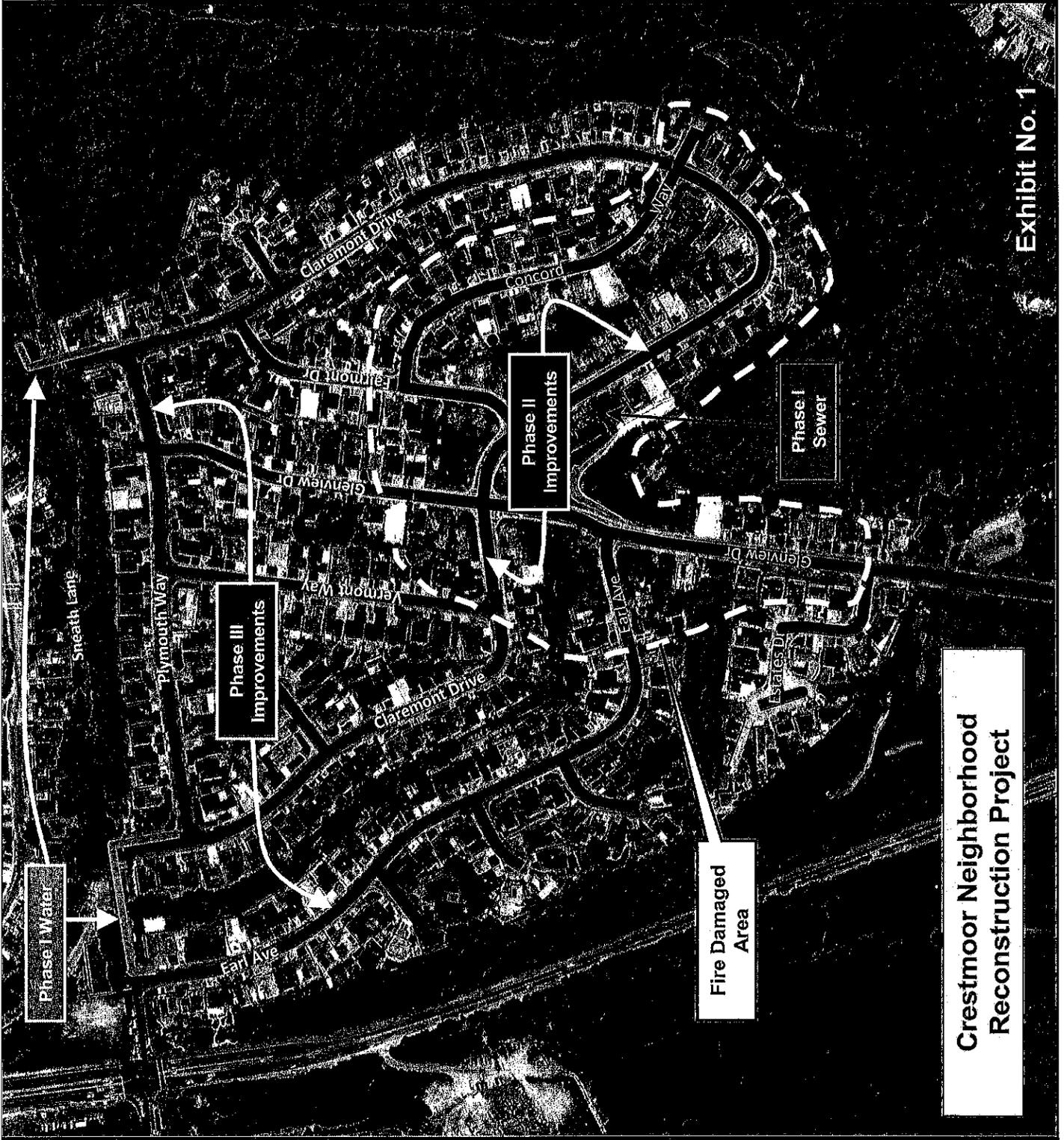
**WHEREAS**, JMB Construction, Inc. submitted the lowest basis of award bid in the amount of \$6,473,399 and was determined to be the lowest cost, responsive and responsible bidder; and

**WHEREAS**, JMB Construction, Inc. has satisfactorily completed similar utility improvement projects, and has a valid contractor's license required to perform the scope of work of this project; and

**WHEREAS**, a construction budget of \$9,030,149 has been established to cover the cost of construction, contingencies, and contract administration; and

**WHEREAS**, the all costs associated with this contract for repair and replacement of City property and infrastructure will be covered through the City's Trust Agreement with PG&E.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the City Manager to Execute a Construction Contract for the Crestmoor (Glenview) Neighborhood Reconstruction – Phase III Utility Replacement Project with JMB Construction, Inc. in the Amount of \$6,473,399 and approves a Construction Budget of \$9,030,149.



**Crestmoor Neighborhood  
Reconstruction Project**



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** May 28, 2013

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

**FROM:** Connie Jackson, City Manager

**SUBJECT:** Receive Report and Provide Direction to Staff Regarding Development of Plans for the Celebration of the City's First 100 Years of Incorporation and December 2014 Centennial

**BACKGROUND:**

On December 23, 2014, the City of San Bruno will celebrate its first 100 years of incorporation and Centennial. Staff is bringing this item forward for the City Council's consideration and input in order to develop the scope and delivery of the upcoming Centennial celebration as well as the process for engagement with residents, businesses and community stakeholders.

Over the past two fiscal years, a total of \$20,000 has been appropriated to offset the expenses associated with this celebration. An additional \$10,000 appropriation recommendation is incorporated into the proposed fiscal year 2013-14 budget schedule for City Council consideration in June and an additional allocation of \$10,000 is anticipated in the fiscal year 2014-15 budget. As a first initiative toward commemoration of the City's Centennial, at the April 23, 2013 meeting, the City Council approved the Culture and Arts Commission Centennial Arts Project. In reviewing similar Centennial celebration events in other nearby cities, staff notes the 100-year anniversary of the municipality is an opportunity not only to recognize the community's history, but also to celebrate the community's identity, its accomplishments and its future opportunities and potential.

**DISCUSSION:**

In order to plan for the upcoming Centennial Celebration, staff requests input from the City Council on its preferred approach and scope for the celebration. Possible approaches for commemorating the Centennial might include:

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- A single, large one-day celebration on or near the date of the Centennial; or,
- Three or four signature events culminating in a single large celebration on or near the date of the Centennial; or,
- A yearlong celebration commencing in December 2013 with events on a monthly basis delivered by the City as well as various community groups and service organizations.

Existing events, with a focus on the Centennial, might also be incorporated into the celebration. These might include:

- Pancake Breakfast and Easter Egg Hunt (April)
- Operation Clean Sweep (May)
- Posy Parade (June)
- Music in the Park (August)
- Movies in the Park (September)
- Tree Lighting (December)

As planning for the Centennial proceeds, the following areas will also require consideration:

- Event/activity management including program revenues and expenditures;
- Financial support for the events from the City, through fund raising, donations and sponsorships and/or participant fees;
- Publicity of events and outreach to the community through the FOCUS community newsletter, San Bruno Cable, Recreation Brochure, press releases and other means;
- Type and sale of Centennial memorabilia;
- Centennial Planning Committee possibly comprised of residents, business representatives, community stakeholders and/or City staff; and,
- City Council subcommittee.

#### **FISCAL IMPACT:**

Depending upon the City Council's input, staff would develop a budget and funding plan which it would present to the City Council for its consideration and approval. Presently, \$20,000 has been allocated by the City Council for the delivery of Centennial events. This may grow to \$40,000 depending upon the City Council's action on the proposed fiscal year 2013-14 and 2013-14 budgets.

#### **ALTERNATIVES:**

1. Plan no special recognition events and utilize only existing City and community events as a means for celebrating the Centennial.

2. Provide alternative direction regarding delivery of a Centennial celebration.

**RECOMMENDATION:**

Receive report and provide direction to staff regarding development of plans for the celebration of the City's first 100 years of incorporation and December 2014 Centennial.

**DISTRIBUTION:**

None

**ATTACHMENTS:**

None

**DATE PREPARED:**

May 17, 2013



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** May 28, 2013

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

**FROM:** Neil Telford, Chief of Police

**SUBJECT:** Adopt Resolution Authorizing the City Manager to Execute a Contract with Telecommunications Engineering Associates in the Amount of \$65,000 for the Installation of 9-1-1 Replacement Equipment.

**BACKGROUND:**

All 9-1-1 calls made in San Bruno, from both conventional landline and cellular phones, are answered in the communications center or Public Safety Answering Point (PSAP) located at the Police Department. The California State 9-1-1 Communications Office provides 9-1-1 PSAP's funding for 9-1-1 equipment with fees that are assessed through telephone bills. The 9-1-1 Office calculates the allotment to each agency based on emergency call traffic, the median price of authorized equipment on the state's Master Purchase Agreement, and the number of 9-1-1 call taker positions staffed by the agency.

**DISCUSSION:**

The replacement of 9-1-1 systems is calculated on a five (5) year life cycle. The current 9-1-1 System was completed in 2005 as part of the new Police Plaza facility. The equipment has reached the end of its service life and state funding will no longer cover maintenance costs for the system.

In anticipation of the system's replacement, staff contacted several vendors listed on the state's Master Purchase Agreement to provide quotes for a new 9-1-1 system. A vendor, Intrado, was able to meet the City's requirement that the equipment be capable of accepting next generation technology, and stay within the amount allotted by the state for San Bruno's 9-1-1 telephone positions.

Although the exact specifications defining the next generation 9-1-1 system capacities has not been finalized by the state, emerging technologies such as texting to 9-1-1, sending picture and video messages to PSAPs, and agency interoperability are beginning to appear in communication centers around the country.

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The Intrado product also provides the capacity for the agency to connect with another PSAP agency utilizing the Intrado product. Once connected, other agencies are able to answer the partnering agency's 9-1-1 and business telephone lines, in case that agency is overwhelmed with call volume, as was the case with the 2010 pipeline explosion, or in the event that the call center cannot function due to an emergency situation. This is a beneficial feature for smaller agencies that staff their dispatch centers with one dispatcher. San Bruno staffs one dispatcher during certain times of a 24-hour period.

While researching the Intrado product, staff from San Bruno met with members of the Burlingame Police Department, who have a similar dispatch configuration, staffing arrangement, and who were also looking to replace their PSAP's 9-1-1 equipment with the Intrado product. This compatibility would allow each dispatch center to handle call taking and police dispatching for both cities in the event of an emergency. This capability supports some of the conclusions and recommendations made by the San Mateo County Grand Jury in their 2012 report on Police Dispatch, which include:

- ✓ To develop arrangements with other agencies for dispatch consolidation.
- ✓ To consolidate or increase dispatch staff in centers so that no center has less than two dispatchers during off-peak hours.
- ✓ To develop backups and redundant systems for dispatch centers.

The two cities also utilize the same Computer Automated Dispatch (CAD) and Records Management System (RMS) software. While not required for the Intrado product, using the same CAD and RMS software allows the dispatcher to enter the request for service into the RMS system, send the call to the officer via the patrol vehicle's computer, and have two way radio communication, regardless if the dispatcher is in San Bruno or Burlingame. It should be noted that San Bruno and Burlingame are two of only six agencies in the County that use a different CAD and RMS than the other agencies in the County. Staff will bring the CAD and RMS replacement to the City Council during the Capital Improvement budget process.

Both San Bruno and Burlingame contract with Telecommunications Engineering Associates, TEA, to install and maintain the radio and 9-1-1 equipment for each city. TEA was asked to provide an estimate for connectivity and interoperability of the Intrado systems between the two cities. The quote includes project consulting, additional equipment needed to conduct remote operations, installation of the equipment, and network connectivity between the two communication centers.

The project will enable both agencies to move forward in creating the network between each police department and allow the communications center to operate independently, or together as one PSAP in an emergency.

**FISCAL IMPACT:**

The cost for the Intrado 9-1-1-phone replacement project is \$196,800 and includes staff training and annual maintenance for five years. This amount is covered by funding from the California 9-1-1 Communications Office.

TEA has provided San Bruno a quote of up to \$61,000 to connect the PSAP's of Burlingame and San Bruno and to have them interoperable. This amount is quoted as a "maximum" amount, depending on the difficulties that TEA encounters when connecting the two cities. For example, the fewer problems encountered will result in lower labor costs. Burlingame's quote for their portion of the connectivity is \$48,000 as they have upgraded some of their equipment where San Bruno has not. All consulting costs and installation costs have been equally split between the two cities. The cost also includes \$4,000 in other expenses not supplied by TEA. This includes electrical work to connect intercoms and an additional telephone line. The project was envisioned in the early part of this year and was not included in the 2012/13 fiscal year budget. Staff did not add the project to FY 2013/14 as the state has asked cities to announce their intent to replace 9-1-1 equipment prior to the end of the current fiscal year.

**ALTERNATIVES:**

1. Do not replace the current 9-1-1 phone system. This would result in increased costs to the City, as the state will no longer provide support for system repairs.
2. Replace the 9-1-1 phone system, but do not connect with another PSAP with the Intrado system. This would result in a lack of immediate redundancy and would require additional costs to reconfigure the Intrado system to roll over to another PSAP.

**RECOMMENDATION:**

Adopt Resolution Authorizing the City Manager to Execute a Contract with Telecommunications Engineering Associates in the Amount of \$65,000 for the Installation of 9-1-1 Replacement Equipment.

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Resolution
2. Quote from TEA.

**DATE PREPARED:**

May 17, 2013

**REVIEWED BY:**

\_\_\_\_\_ CM

**RESOLUTION NO. 2013- \_\_\_\_**

**ADOPT RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TELECOMMUNICATIONS ENGINEERING ASSOCIATES IN THE AMOUNT OF \$65,000 FOR THE INSTALLATION OF 9-1-1 REPLACEMENT EQUIPMENT**

**WHEREAS**, all 9-1-1 emergency calls made in San Bruno are received at the San Bruno Police Communications Center or Public Safety Answering Point (PSAP); and,

**WHEREAS**, the current 9-1-1 telephone system is dated and eligible for replacement with funding provided by the California State 9-1-1 Communications Office; and,

**WHEREAS**, Police Department staff identified a suitable replacement system by Intrado that will support next generation 9-1-1 reporting and is interoperable with other Intrado equipped PSAP for redundancy; and,

**WHEREAS**, The Burlingame Police Department is a proposed Intrado PSAP with similar configuration, staffing, and dispatch and records software systems as the San Bruno Police Department Communications Center; and,

**WHEREAS**, Telecommunications Engineering Associates (TEA) provides installation and maintenance of 9-1-1 systems for San Bruno and Burlingame and staff has consulted with TEA to create a virtual dispatch center with the Burlingame Police Department for redundancy in an emergency situation; and,

**WHEREAS**, TEA has provided San Bruno with a labor and equipment quote to connect the two PSAP's through the Intrado 9-1-1 phone system.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the City Manager to execute a Authorizing the City Manager to Execute a Contract with Telecommunications Engineering Associates in the Amount of \$65,000 for the Installation of 9-1-1 Replacement Equipment.

**Burlingame and San Bruno Police Departments  
Police Radio Dispatch Interoperability**

Preliminary cost estimate 05/22/2013

Item	Mfg	Part Number	Description	Each	Extended	Hours
San Bruno Police						
Atlas 550	1 Adtran	1200305E2	Atlas 550 AC Powered, for Radio Circuits	\$2,530.00	\$2,530.00	16
Atlas 550 card	1 Adtran	1200313 L1	Octal 4w E/M	\$785.00	\$785.00	0
Atlas 550 card	1 Adtran	1200755 E2	Quad T1 Card	\$1,045.00	\$1,045.00	0
Patch Panel for Atlas 550	1 Sigitronix	PP-24	24 Port Telco Patch Panel with blocks and cables	\$175.00	\$175.00	6
Main Siby Relay System	1 TEA	MSTBY	Custom M/S Remote select system	\$250.00	\$250.00	8
Conf Bridge	1 Charles	4201-00	Charles 4-Way Conf Bridge	\$1,350.00	\$1,350.00	4
Conf Bridge Cage	1 Charles	400-3H	Charles 3-Slot, 1 RU Shelf	\$885.00	\$885.00	6
Conf Bridge Power	1 Charles	8648-13	Charles 120VAC-48 PS	\$650.00	\$650.00	1
Barrix	3 Barrix	Barronet	4 Port I/O control	\$180.00	\$540.00	12
12VDC Power for Barrix	1 Astron	SRM-10	12vdc power supply	\$100.00	\$100.00	1
Door Control Software	1 TEA	TEASFT	Door Control Program	\$250.00	\$250.00	4
Door Control Interfacing	1 TEA	DRCTL	Interface Door Controls to system	\$200.00	\$200.00	4
CTI Voter Monitor System PC	1 TEA	TEAPC	WIN-8 PC	\$600.00	\$600.00	8
CTI Voter Monitor System	1 CTI	S1-61165	HIB-IP With Software	\$2,495.00	\$2,495.00	1
CTI Voter Monitor System	1 CTI	S2-60442	CIB	\$655.00	\$655.00	1
CTI Voter Monitor System	1 CTI	S2-60472	Rack Mount	\$61.00	\$61.00	1
CTI Voter Monitor System	1 CTI	81-12112	Power Supply	\$35.00	\$35.00	1
CTI Voter Monitor System	1 CTI	S2-60437	Digitac Mount	\$110.00	\$110.00	1
CTI Voter Monitor System	2 CTI	S2-60318	Terminator	\$9.00	\$18.00	1
Zetron Console Software Programming	1 TEA	TEASOFT	Program Console, Add Buttons	\$100.00	\$100.00	12
Viper - Console Tel interface	1 TEA	TELINT	Interface Intrado Viper to 3 Pos Console	\$200.00	\$200.00	12
Misc Installation Supplies	1 TEA	As needed	Cables, Wire, Punch Blocks, etc	\$300.00	\$300.00	6
Lawnet router replacement	1 Cisco	C2921	Replacement Lawnet router (for E911 VOIP)	\$4,632.50	\$4,632.50	2
TEA engineering and system design	1 TEA	TEA engineering	System engineering and design services	\$0.00	\$0.00	100
TEA system integration services	1 TEA	TEA integration	Radio, telephone, Lawnet system integration	\$0.00	\$0.00	60
				SubTotal	\$17,866.50	\$39,000.00
				TEA Markup 10%	\$1,786.65	
				Estimated freight cost	\$535.00	
				Sales Tax @9%	\$1,786.78	
				San Bruno hardware total	21,956.93	
				<b>San Bruno total including services</b>	<b>\$60,966.93</b>	



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** May 28, 2013

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

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

**SUBJECT:** Authorize the City Manager to Execute Contracts with Godbe Research in the Amount up to \$40,000 and McGovern Consulting in the Amount up to \$75,000 to Conduct a Voter Opinion Survey and Public Education Related to a Potential Voter Initiative to Amend Ordinance 1284 within the San Bruno Transit Corridors Plan Area and Adopt Budget Amendment Appropriating \$115,000 to the General Fund Planning Budget

**BACKGROUND**

The purpose of this item is to seek City Council authorization to fund voter opinion research and public education in advance of considering whether to place a proposed voter initiative on the November 5, 2013 ballot to amend Ordinance 1284, only within the Transit Corridors Plan Area. This staff reports recommends retaining Godbe Research and McGovern Consulting to conduct polling research of likely San Bruno voters.

On February 12, 2013, the San Bruno City Council adopted the Transit Corridors Specific Plan through Resolution No. 2013-16. The Transit Corridors Plan establishes development standards and design guidelines for public and private improvements, transportation and infrastructure improvements, and an implementation strategy to achieve the community's desire to revitalize the Downtown and commercial corridors surrounding the new San Bruno Avenue Caltrain Station. The Transit Corridors Plan recommends setting new specific building height limitations, increasing density on about 44 residential parcels and allowing above ground parking structures, only within the Transit Corridors Plan Area, which requires voter approval in accordance with Ordinance 1284. The City Council directed staff to explore placing a proposition to amend Ordinance 1284 on the ballot in an upcoming municipal election in order to fully implement the Transit Corridors Plan.

City of San Bruno Initiative Ordinance No. 1284 was adopted by the City Council in 1977. Ordinance 1284 specifically prohibits buildings greater than three (3) stories or fifty (50) feet in height, construction of multi-story parking structures, increasing densities within districts that were zoned residential in 1974, or development within

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designated scenic corridors, unless approved by a majority of the voters of the City of San Bruno.

In order to fully implement the Transit Corridors Plan two important future steps are necessary: revisions to the Zoning Code to be consistent with the Transit Corridors Plan, and a citywide vote subject to Ordinance 1284. A comprehensive update to the City's Zoning Code is currently underway, which is also separately required to implement the 2009 General Plan.

## **DISCUSSION**

The Transit Corridors Plan was created in order to establish a transformative new vision for the City's Transit Corridors Area. The principal goals of the Plan are to improve the Transit Corridors Area by: 1) promoting economic development and encouraging investment and revitalization; 2) achieving the transit-oriented and mixed-use development vision and promoting a more walkable and bicycle-friendly area; 3) encouraging a variety of housing types (e.g., housing for younger workers and seniors) that better meet future housing needs; 4) reflecting the residents' vision and reinvigorate the community's identity; and 5) implementing regional and statewide planning initiatives.

In order to achieve these goals, certain restrictions of Ordinance 1284 need to be amended to establish new limits within the Transit Corridors Area related to building heights, allowing greater density on certain residential parcels and allowing above ground parking structures. The Plan envisions building heights between 4 and 7 stories, depending on the location within the TCP area, increasing the density of about 44 low density residential parcels along the edges of the TCP area, and multi-story parking garages. The initiative would require a simple majority vote for passage.

### Selection of Consultant

Before authorizing placement of the voter initiative on the November 2013 ballot, staff recommends seeking public information and feedback from voters regarding the issues proposed in the initiative. City Staff prepared a Request for Proposals (RFP) and received proposals from two public opinion research and election campaign consultant teams to assist the City with polling and initial public education prior to placing the proposition on the ballot. Godbe Research and McGovern Consulting (Godbe and McGovern) and The Next Generation (TNG) and EMC Research Services were the two teams that responded.

City Staff reviewed the proposals and interviewed the consultant teams. Staff identified Godbe Research and McGovern Consulting as the most qualified firm, because their proposal was more responsive to the RFP requirements and they have significant experience in and an excellent understanding of the San Bruno community. Godbe Research and McGovern Consulting assisted with the polling and public outreach campaign for the Measure E in 2001 to increase building heights and allow multi-story

parking structures at the Crossing. Measure E succeeded by a substantial margin, garnering 72 percent of the vote.

Staff recommends hiring Godbe Research and McGovern Consulting to conduct voter opinion research and public education to determine the level of community understanding and sentiment for the ballot proposition, in order to plan effectively for a possible November 2013 election. The primary objectives of this project would be to:

- Design and conduct a voter research and polling of likely voters. Conduct telephone interviews with up to 400 total voters in San Bruno. Conduct and moderate two Focus groups. Review and interpret data and report findings, conclusions and recommendations.
- Conduct initial widespread public outreach and education of San Bruno residents regarding vision of the Transit Corridors Plan and amendment of Ordinance 1284.
- Determine if it is timely to move forward with the proposed ballot measure at the November 2013 election.

## **FISCAL IMPACT**

Polling and public education leading up to the City Council decision to place the proposition on the ballot will cost about \$115,000. Based on the most recent quarterly sales tax report, it is anticipated that current year sales tax will be approximately \$150,000 above the current year budget amount of \$6.85 million. Staff recommends utilizing the additional sales tax funds to pay for the costs associated with the polling consultant. The attached resolution amends the General Fund budget for Sales Tax to \$7 million and authorizes the appropriation of \$115,000 in the General Fund Planning Department budget for this activity.

## **ALTERNATIVES**

1. Select another consultant team
2. Direct staff to not move forward with this action at this time

## **RECOMMENDATION**

Authorize the City Manager to Execute Contracts with Godbe Research in the Amount up to \$40,000 and McGovern Consulting in the Amount up to \$75,000 to Conduct a Voter Opinion Survey and Public Education Related to a Potential Voter Initiative to Amend Ordinance 1284 within the San Bruno Transit Corridors Plan Area and Adopt Budget Amendment Appropriating \$115,000 to the General Fund Planning Budget

**ATTACHMENTS**

1. Resolution
2. Ordinance 1284

**DATE PREPARED**

May 24, 2013

**REVIEWED BY**

\_\_\_\_\_ CM

**RESOLUTION NO. 2013 - \_\_\_\_\_**

**AUTHORIZE THE CITY MANAGER TO EXECUTE CONTRACTS WITH GODBE RESEARCH IN THE AMOUNT UP TO \$40,000 AND MCGOVERN CONSULTING IN THE AMOUNT UP TO \$75,000 TO CONDUCT A VOTER OPINION SURVEY AND PUBLIC EDUCATION RELATED TO A POTENTIAL VOTER INITIATIVE TO AMEND ORDINANCE 1284 WITHIN THE SAN BRUNO TRANSIT CORRIDORS PLAN AREA AND ADOPT A BUDGET AMENDMENT APPROPRIATING \$115,000 TO THE GENERAL FUND PLANNING BUDGET**

**WHEREAS**, the City Council of the City of San Bruno adopted Resolution 2013-16 adopting the Transit Corridors Specific Plan on February 12, 2013 in order to establish development standards and design guidelines for public and private improvements, transportation and infrastructure improvements, and a cohesive implementation strategy to achieve the community's desire to revitalize the Downtown and transit station areas, reinvigorate the community's identity, capture the potential for mixed use transit-oriented development, and to promote walking and bicycling;

**WHEREAS**, City of San Bruno Initiative Ordinance No. 1284, adopted by the Council June 1, 1977 upon receipt of a certified voter initiative petition, requires that no building permits, grading permits, or other approvals shall be issued to allow or authorize the initiation or construction of buildings, other structures, land development for projects or land uses specified in Ordinance No. 1284 unless and until approved by a majority of the voters of the City of San Bruno voting at a general or special election;

**WHEREAS**, in order to fully implement the Transit Corridors Plan, the City Council desires to submit to the voters at the municipal election on November 5, 2013 an ordinance, which, if approved by the voters, would authorize the City Council, without further voter approval, to allow or authorize the initiation or construction solely within the Transit Corridors Area of multifamily and senior housing, commercial office and retail uses, hotels, and related parking structures with specific height limitations as approved by the voters;

**WHEREAS**, City staff interviewed two firms to conduct public opinion research on a proposed ballot proposition to amend Ordinance 1284 within the TCP;

**WHEREAS**, City Staff recommends Godbe Research and McGovern Consulting as the most qualified team because of their responsiveness to the RFP requirements, their experience and success in previous opinion polling efforts, their competitive cost estimate, and their broad understanding of the San Bruno community;

**WHEREAS**, the services and work consists of design and conducting a telephone survey poll of likely voters, interpreting polling results and reporting, conducting initial outreach and education of San Bruno residents regarding vision of the Transit Corridors Plan and amendment of Ordinance 1284;

**WHEREAS**, it is in the best interests of the City to execute the proposed Contract to assure that the poll be conducted prior to calling for an election in November;

**WHEREAS**, recent estimates indicate that 2012-13 sales tax revenues will be approximately \$150,000 above the current year budget amount of \$6.85 million; and

**WHEREAS**, the cost of the proposed consultant agreement for polling services requires an amendment to the 2012-13 Planning Department budget in the amount of \$115,000.

**NOW THEREFORE**, the City Council of the City of San Bruno resolves that the City Manager is hereby authorized to execute Contracts with Godbe Research in the amount up to \$40,000 and McGovern Consulting in the amount up to \$75,000 to conduct a voter opinion survey and public education related to a potential voter initiative to amend Ordinance 1284 within the San Bruno Transit Corridors Plan area and adopts a budget amendment appropriating \$115,000 to the General Fund Planning Budget.

--oOo--

I hereby certify the foregoing Resolution No. 2013-  
was introduced and adopted by the May 28, 2013 by the following vote:

AYES:

NOES:

ABSENT:

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

ORDINANCE NO. 1284

AN INITIATIVE ORDINANCE TO REQUIRE AN AFFIRMATIVE VOTE OF THE VOTERS OF THE CITY OF SAN BRUNO PRIOR TO THE ISSUANCE OF ANY PERMITS OR OTHER APPROVALS FOR HIGH-RISE OR HIGH-DENSITY DEVELOPMENTS AND PROJECTS ENCREACHING UPON SCENIC CORRIDORS AND OPEN SPACES

WHEREAS, on May 23, 1977 the City Clerk of the City of San Bruno presented a Certificate of Sufficiency to the City Council of said City entitled an "Initiative Measure to Require an Affirmative Vote of the Voters of the City of San Bruno Prior to the Issuance of Any Permits or Other Approvals for High-Rise or High-Density Developments and Projects Encroaching Upon Scenic Corridors and Open Spaces";

NOW, THEREFORE, pursuant to Sections 4010 and 4011 (Chapter 248) of the California Elections Code, the City Council of the City of San Bruno does ordain as follows:

"Section 1. Unless and until approved by a majority of the voters of the City of San Bruno voting at a general or special election, no building permits, grading permits or other approvals shall be issued to allow or authorize the initiation or construction of buildings, other structures, land development projects or land uses described below:

(a) Buildings or other structures exceeding 50 feet in height.

(b) Buildings or other structures exceeding three stories in height.

(c) Buildings or other structures, modifications or redevelopment thereof in residential districts which increase the number of dwelling units per acre or occupancy, within each acre or portion thereof, in excess of limits permitted on October 10, 1974, under the then existing Zoning Chapter of the City of San Bruno.

(d) Multi-story parking structures or buildings.

(e) Buildings or other structures, modifications or redevelopment thereof which encroach upon, modify, widen or realign the following streets hereby designated as scenic corridors: Crystal Springs Road between Oak Avenue and Junipero Serra Freeway; and Sneath Lane from El Camino Real to existing westerly City limits.

Section 2. In voting upon this initiative ordinance and subsequent referrals thereunder, the People hereby find and declare that this ordinance and subsequent referrals are crucial legislative policy-making decisions by the voters of San Bruno necessary to adequately protect the health, safety and welfare of its citizens under present and future conditions.

To provide a knowledgeable basis for voter decisions and adequate opportunity to property owners who may be adversely affected to present their viewpoints to the Planning Commission, City Council and voters, it is essential that the City Council should provide for the following prior to election on this initiative ordinance and subsequent referrals thereunder:

(a) Compliance with Section 4017 of the Elections Code providing for proponent and opponent arguments in the Voters Pamphlet and Sections 65854, et seq., of the Government Code providing for public hearings before the Planning Commission and City Council.

(b) Town-hall type of hearing whereby experts, proponents and opponents may be heard and questioned by voters in attendance; and availability to voters for loan or review at City Hall of summaries of hearings and EIR proceedings before the Planning Commission and City Council and all other relevant materials.

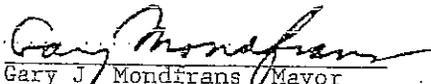
Section 3. Any owner-applicant may appeal denial of his application to the voters by accompanying such request with a sufficient deposit to cover entire expense of such election.

Section 4. In the event this initiative ordinance is enacted by the voters, the Notice of Intent to Circulate Petition shall become an introductory part of said ordinance and be included in the publication thereof in the Code of the City of San Bruno for the purpose of reflecting the intent of the voters in adopting same.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this initiative ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The People hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any section, subsection, sentence, clause, phrase or portion be declared invalid or unconstitutional. If any portions hereof are ruled invalid as being conflicting or incompatible, the latter portions are to be invalidated in preference to former portions hereof.

Section 6. This initiative ordinance shall be published and take effect upon enactment by the voters. Insofar as permitted by law it shall be retroactive to October 10, 1974."

The City Clerk shall cause this Initiative Ordinance to be published in the San Bruno Herald, a newspaper of general circulation, printed, established and circulated in the City of San Bruno and hereby designated for the purpose.

  
Gary J. Mondfrans Mayor

ATTEST:

  
Terri Rasmussen, City Clerk

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I hereby certify that the foregoing Ordinance No. 1284 was duly and regularly introduced and adopted by the City Council of the City of San Bruno at an adjourned regular meeting thereof held on the 1st day of June, 1977, by the following vote:

AYES: Councilmen Governale, Kozkowski, Mondfrans  
NOES: Councilmen Barnard, Griffith  
ABSENT: Councilmen None

  
CITY CLERK



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

DATE: May 28, 2013

TO: Honorable Mayor and Members of the City Council

FROM: David Woltering, Community Development Director

SUBJECT: Adopt Resolution Confirming Special Assessments for Unpaid Municipal Code Violations Abatement Costs at 502 San Felipe Avenue and 175 Martin Place and Authorizing the County of San Mateo to Place the Special Assessments on the 2013-14 Property Tax Rolls

**BACKGROUND**

The City's Code Enforcement Division responds to code violations reported by the public and actively seeks compliance with nuisance, building, housing and other Municipal Code violations in order achieve a safe and attractive environment for residents and businesses. The most common code enforcement cases involve unpermitted construction and nuisance code violations. Examples of nuisance code violations include junk and debris in public view, inoperable cars in the driveway and overgrown vegetation.

A vast majority of code enforcement cases are resolved after a property owner receives a notice of violation in the mail. A small percentage of property owners, however, opt not to quickly resolve the violation when they are alerted. Property owners who do not resolve the issue after receiving the notice will then receive a citation. Unfortunately, when a violation exists, it not only impacts the violating property, but also negatively impacts the surrounding neighborhood. The negative effects of the violation becomes even greater when the violation persists, frustrating nearby residents whose quality of life is being unduly impacted.

For the few property owners who do not comply after receiving the notice or subsequent citations, there are several other legal remedies the City may use, including abatement. Abatement involves using City crews or contractors to correct the violation(s). The abatement process, including the notification requirements, are prescribed by local and state law.

After the abatement is complete, the property owner is sent an invoice (referred to as a "Statement of Claim"), and has twenty days to pay or appeal. If the property owner chooses not to pay, appeal or respond, the Municipal Code allows the City to recover the abatement costs through a Special Assessment Claim. Special assessments allow

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the amount of the claim to be collected along with the property taxes. The method and rules for filing the special assessment with the County are described below.

This past year, two properties were abated by City contractors without payment by the property owners, after the property owners failed to respond to notices and citations. Both cases involved overgrown vegetation, accumulation of trash and debris, and, generally, unmaintained properties. Both properties were the subject of multiple neighborhood complaints. And, in both cases, the City has not yet recovered its costs, and, therefore, can move forward with the special assessment process to recover those costs as prescribed by law.

## **DISCUSSION**

### 502 San Felipe Avenue

502 San Felipe Avenue, has been the subject of multiple neighborhood complaints over the past several years. The property is vacant, and the property owner has neglected the property to the point that the vegetation is overgrown and trash and debris collects in the front yard. The property owner failed to respond to City notices and fines beginning in 2009. A Special Assessment was recorded against this property for similar abatement costs in 2012. This round of complaints and abatement costs regarding not maintaining this property dates back to the San Bruno Police Department (SBPD) responding to a call on October 10, 2012 and finding the building was not secured and people were trespassing, including transients living inside. SBPD requested assistance from the Community Development Department which lead to the building being red tagged "No Entry" and the doors secured. The City Attorney was contacted to arrange for an inspection warrant to board up the property. On October 30, 2012, the owners were notified of a possible inspection warrant to secure the property, but did not respond. On December 12, 2012, the inspection warrant was obtained and the building was boarded up. And, on January 3, 2013, a Statement of Claim for boarding up and cleaning up the property was sent to the property owner. There has been no contact from the property owner. The total amount of the claim was \$4,825.00, which includes abatement charges of \$2,950.00 and code enforcement staff time totaling \$1,875.00. Consequently, the proposed special assessment amount for this property is \$4,825.00. On May 20, 2013, a letter was sent to the property owner, indicating this matter will be considered by the City Council at its May 28, 2013 meeting.

### 175 Martin Place

The case on 175 Martin Place was opened in 2004 for substandard housing and overgrown vegetation. A notice of violation was issued, six citations, and a "Red Tag" posted on the property for substandard housing, overgrown weeds and vegetation, abandoned personal property on the porch and driveway. The property owner was not responsive; consequently, staff contacted the City Attorney and arranged for abatement of the dirt in the driveway, removal of trash and debris, trimming of trees, and to board -- up the staircase. On May 22, 2012, the property owners were notified of the intent to

perform the abatement work. Again, they did not respond. On July 5, 2012, the abatement of the property was completed. A Statement of Claim was sent to the property owner on February 1, 2013. The total amount of the claim was \$4,800.00, which includes abatement charges of \$2,800.00 and code enforcement staff time totaling \$2,000.00. Consequently, the proposed special assessment amount for this property is \$4,800.00. On May 20, 2013, a letter was sent to the property owner, indicating this matter will be considered by the City Council at its May 28, 2013 meeting.

### Options

The City has two options to collect unpaid abatement costs: Nuisance Abatement Tax Liens and Special Assessments. While liens can be effective, they are not timely in many cases. In fact, tax liens are typically not collected until the property is sold or refinanced. Therefore, it could be years before the City recovers its costs. On the other hand, special assessments allow for the costs to be recouped on an annual basis. Given the loss of Redevelopment, the City's General Fund is used to cover the costs of all abatements, including this abatement. It is therefore critical that the City recover all costs as quickly as possible.

The County of San Mateo requires that three actions be completed in order to place a special assessment on the property tax roll. First, the City and County must enter into a contract. This contract is executed once, and will automatically renew each fiscal year unless either party wishes not to proceed and provides a 90-day notice of cancellation. The contract states the County will collect special assessments for the City in exchange for a small administration fee (\$1.35 per property). Second, the County requires that a City Council resolution be adopted confirming the special assessment and forwarding it to the County for collection. Third, the County requires the total amount of the special assessments be transmitted in a specific format in July of each year.

The City has entered into a contract with the County to place special assessments on the tax rolls. Consequently, if the subject special assessments are confirmed and the attached resolution is adopted by the City Council, the City will transmit the signed version of the attached resolution to the County, along with the specific data requested by the County. The special assessment amounts for the respective properties will then be collected with the 2013-14 property tax bills.

### **FISCAL IMPACT**

The City would recover \$4,825.00 for 502 San Felipe Avenue and \$4,800.00 for 175 Martin Place through the proposed special assessments. The County typically charges \$1.35 per property for special assessments, but will waive the charge when the total fee is less than \$10, as it is in this case.

## **ALTERNATIVES**

1. Do not move forward with special assessment process for one or both of the properties.
2. Revise the special assessment costs to only include the "out of pocket" costs of the contractor, and not the staff time associated with the abatements.

## **RECOMMENDATION**

Adopt resolution confirming special assessments for unpaid municipal code violations abatement costs at 502 San Felipe Avenue and 175 Martin Place and authorizing the County of San Mateo to place the special assessments on the 2013-14 property tax rolls.

## **ATTACHMENTS**

1. Resolution
2. Before and After Abatement Photos

## **DATE PREPARED**

May 21, 2013

## **REVIEWED BY**

\_\_\_\_\_CM

RESOLUTION NO. 2013-\_\_\_\_\_

**ADOPT RESOLUTION CONFIRMING SPECIAL ASSESSMENTS FOR UNPAID MUNICIPAL CODE VIOLATIONS ABATEMENT COSTS AT 502 SAN FELIPE AVENUE AND 175 MARTIN PLACE AND AUTHORIZING THE COUNTY OF SAN MATEO TO PLACE THE SPECIAL ASSESSMENTS ON THE 2013-14 PROPERTY TAX ROLLS**

**WHEREAS**, Chapter 5 of San Bruno Municipal Code gives the City the right to abate Municipal Code violations and require that the property owner pay for the abatement costs;

**WHEREAS**, local and state laws allow cities to recover abatement costs through the special assessment process;

**WHEREAS**, the City of San Bruno has entered into a reimbursement agreement with the County of San Mateo in order to complete the special assessment process;

**WHEREAS**, the properties located at 502 San Felipe Avenue and 175 Martin Place were the subject of numerous neighborhood complaints related to nuisance code violations;

**WHEREAS**, staff confirmed the nuisance code violations related to overgrown vegetation and accumulation of junk and debris (SBMC 5.04.040 and H&S Code Section 17920.3) and sent the property owners numerous violation notices; however, the property owner failed to respond to the notices or abate the violations;

**WHEREAS**, on October 30, 2012, the owner of the property at 502 San Felipe Avenue was notified of a possible inspection warrant and was requested to abate the violations on the property; however, the property owner failed to respond or abate the nuisances;

**WHEREAS**, on December 12, 2012, an inspection warrant was obtained for 502 San Felipe Avenue and the property was abated, with the total cost of the abatement and code enforcement staff time being \$4,825.00 (\$2,950.00 for abatement and \$1,875.00 for code enforcement staff time);

**WHEREAS**, on January 3, 2013, the property owner of 502 San Felipe Avenue was sent a Statement of Claim, outlining the total amount due to the City; however, the property owner did not pay, appeal or respond to the statement;

**WHEREAS**, the City of San Bruno is requesting the County of San Mateo place a special assessment on the 13-14 property tax rolls for 502 San Felipe Avenue (APN 020-281-160) in the amount of \$4,825.00 in order to recover the costs associated with this abatement action;

**WHEREAS**, on May 22, 2012, the owner of the property at 175 Martin Place was notified of a possible City abatement action and was requested to abate the violations on the property; however, the property owner failed to respond or abate the nuisances;

**WHEREAS**, on July 5, 2012, nuisances at 175 Martin Place were duly abated by the City, with the total cost of the abatement and code enforcement staff time being \$4,800.00 (\$2,800.00 for abatement and \$2,000.00 for code enforcement staff time);

**WHEREAS**, on February 1, 2013, the property owner of 175 Martin Place was sent a Statement of Claim, outlining the total amount due to the City; however, the property owner failed to pay, appeal or respond to the statement; and,

**WHEREAS**, the City of San Bruno is requesting the County of San Mateo place a special assessment on the property tax rolls for 175 Martin Place (APN 020-365-140) in the amount of \$4,800.00 in order to recover the costs associated with this abatement action.

**NOW, THEREFORE**, be it RESOLVED by the San Bruno City Council that the City Council:

1. Confirms the above-described special assessments related to abatement actions on properties at 502 San Felipe Avenue and 175 Martin Place.
2. Authorizes the County of San Mateo to place a special assessment on 502 San Felipe Avenue (APN 020-281-160) in the amount of \$4,825.00 in order to recover the costs associated with this abatement.
3. Authorizes the County of San Mateo to place a special assessment on 175 Martin Place (APN 020-365-140) in the amount of \$4,800.00 in order to recover the costs associated with this abatement.

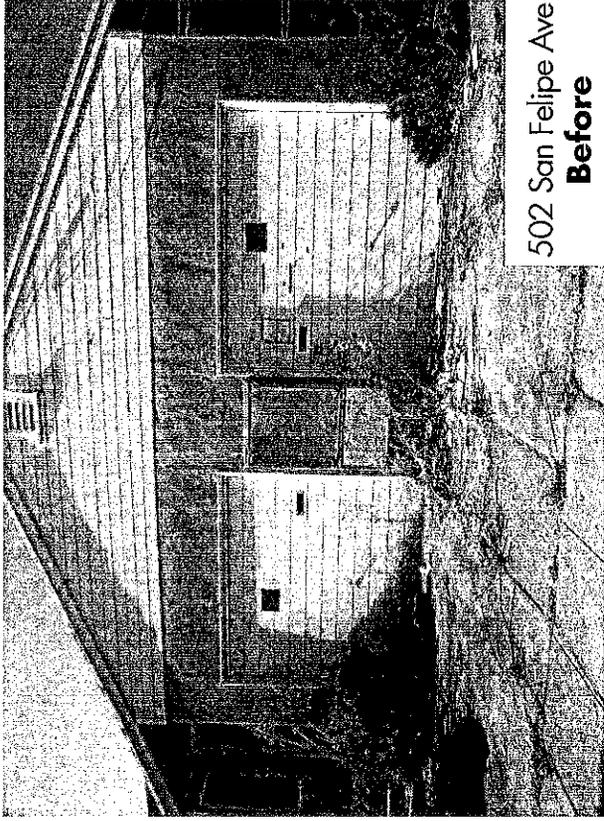
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I hereby certify that foregoing Resolution No. 2013-\_\_\_ was introduced and adopted by the San Bruno City Council at a regular meeting on May 28, 2013 by the following vote:

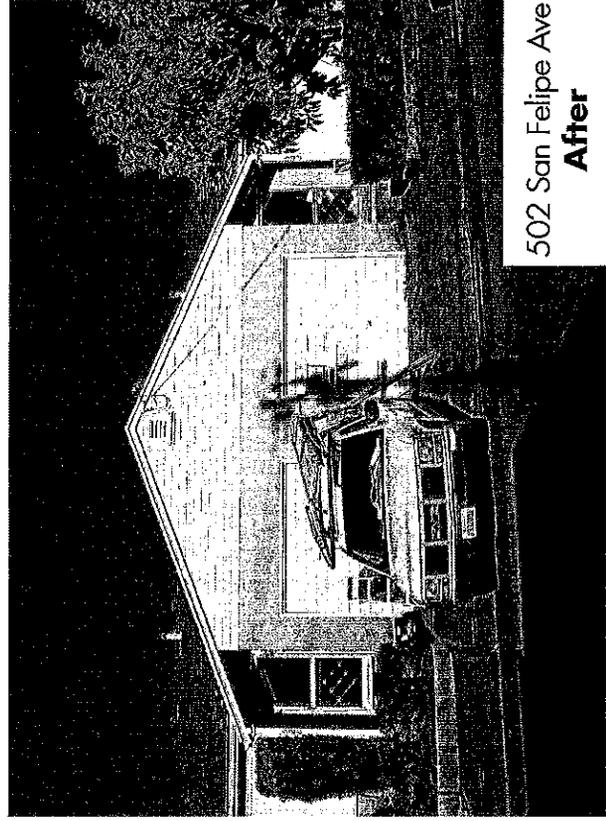
AYES:

NOES:

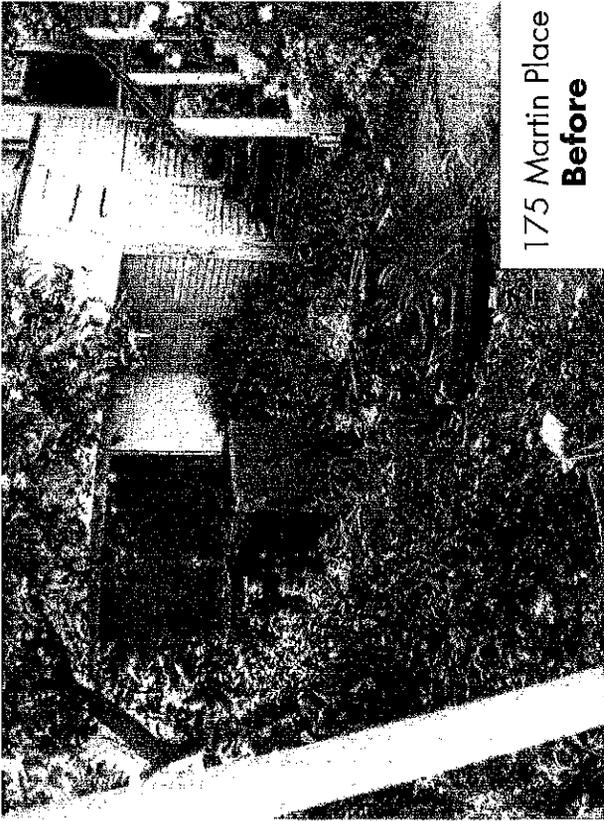
ABSENT:



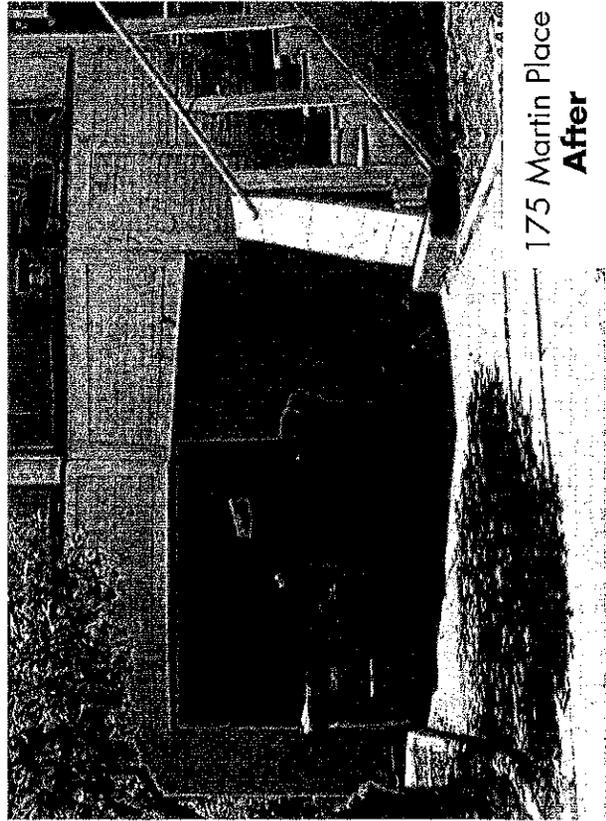
502 San Felipe Ave  
**Before**



502 San Felipe Ave  
**After**



175 Martin Place  
**Before**



175 Martin Place  
**After**