



**"The City With a Heart"**

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

## **AGENDA – CLOSED SESSION**

### **SAN BRUNO CITY COUNCIL**

**August 23, 2016**

**6:00 p.m.**

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

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

**1. CALL TO ORDER:**

**2. ROLL CALL:**

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

**4. CLOSED SESSION:**

Conference with Legal Counsel, Pending Litigation Pursuant to Government Code Section 54956.9(d)(1) Regarding Pending Workers' Compensation Appeals Board Cases: ADJ10053872, ADJ10054522, ADJ10194891, and ADJ10053871.

**5. ADJOURNMENT:**

The next regular City Council Meeting will be held on August 23, 2016 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.



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## **AGENDA SAN BRUNO CITY COUNCIL**

**August 23, 2016**

**7:00 p.m.**

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

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**1. CALL TO ORDER:**

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

**3. ANNOUNCEMENTS:**

**4. PRESENTATIONS:**

Receive Update from Seth Miller, League of California Cities, Public Affairs Regional Representative on League Initiatives and Legislative Advocacy.

**5. REVIEW OF AGENDA:**

**6. APPROVAL OF MINUTES:** Special Closed Session Council Meeting of June 28 and Special Council Meeting of July 12, 2016 and Regular Council Meeting of July 26, 2016.

**7. CONSENT CALENDAR:** All items are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion, unless requested.

a. **Approve:** Accounts Payable of July 25 and August 1 and 8, 2016.

b. **Approve:** Payroll of July 29 and August 12, 2016.

c. **Accept:** Reconciliation of General Ledger to Bank Reports and Investment Reports Dated June, 2016.

d. **Adopt:** Resolution Accepting the Tank No. 3 (Glenview) Replacement Project as Complete, Authorizing the Filing of a Notice of Completion with the San Mateo County Recorder’s Office, and Authorizing Release of the Construction Contract Retention in the Amount of \$222,483.

e. **Appoint:** Councilmember O’Connell as the Voting Delegate for the Annual League of California Cities Conference October 5-7 in Long Beach, CA.

f. **Adopt:** Resolution Approving Expenditure of \$95,133 to Complete the Residual Control System and Tank Mixer Water Equipment Purchase and Authorizing an Additional Appropriation of \$62,133 from the Water Fund.

g. **Approve:** Letter of Support for Senate Bill 1298, Sustainable Funding for Stormwater Projects, Introduced by Senator Robert M. Hertzberg.

**8. PUBLIC HEARING:**

Hold Public Hearing, Waive First Reading, and Introduce Ordinance Amending Municipal Code Chapter 6.50 Changing the Hours of Sale and Use of Safe and Sane Fireworks.

**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 the Appeal of FEMA San Francisco Bay Coastal Study Results for the City of San Bruno.
- b. Receive Report and Provide Direction Regarding Ordinance Regulating Exposure to Secondhand Smoke.
- c. Adopt Resolution Authorizing the City Manager to Execute a Construction Contract for the Crestmoor Neighborhood Reconstruction – Crestmoor Canyon Retaining Wall with Casey Construction, Inc in the Amount of \$31,900 and Approving a Construction Budget of \$35,000.
- d. Adopt Resolution Authorizing the City Manager to Execute a Consultant Services Agreement with ARG Conservation Services, Inc. (ARG/CS) to Remove, Transport, Fumigate and Treat the Hand Carved Wooden Tableau at 324 Florida Avenue in the Amount of \$53,944; Approving a Contingency of \$8,091; and Appropriating \$12,035 from the General Fund Capital Reserve Fund.
- e. Adopt Resolution Authorizing the City Manager to Execute a Contract with Schaaf & Wheeler for Design of the Crestmoor and Lomita Pump Stations and Force Main Replacement Project in an Amount not to Exceed \$362,748.
- f. Adopt Resolution Authorizing the City Manager to Execute an Agreement with Economic & Planning Systems, Inc. (EPS) for the Preparation of a Development Impact Fee Study in the amount of \$63,735 and Re-Appropriating a Carryover of \$100,000 from the FY 2015-16 Budget.
- g. Adopt Resolution Authorizing the City Manager to Execute an Agreement with Willdan Financial Services for the Preparation of a Comprehensive Cost of Service Study and Cost Allocation Plan in the total amount of \$35,795.

**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 September 13, 2016 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.



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## **MINUTES - SPECIAL MEETING - CLOSED SESSION**

### **SAN BRUNO CITY COUNCIL**

**June 28, 2016**

**6:00 p.m.**

**1. CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met on June 28, 2016 at San Bruno's Senior Center, 1555 Crystal Springs Road, San Bruno, Ca in a special closed session meeting. The meeting was called to order at 6:00 p.m.

**2. ROLL CALL:**

Presiding was Mayor Ruane, Vice Mayor Marty Medina, Councilmembers Rico Medina and O'Connell. Councilmember Ibarra was excused with notice. Recording by City Clerk Bonner.

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

**4. CLOSED SESSION:**

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

a. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9(d)(1) (2 Cases): Evans v. City of San Bruno and San Bruno Committee for Economic Justice v. City of San Bruno.

b. Conference with Legal Counsel, Anticipated Litigation, Initiation of Litigation per Government Code Section 54956.9(d)(4) (1 Case).

**5. ADJOURNMENT:**

The meeting ended at 7:00 p.m. The next regular City Council Meeting will be held on June 28, 2016 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval  
at the City Council Meeting of  
August 23, 2016

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Carol Bonner, City Clerk

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Jim Ruane, Mayor



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**MINUTES - SPECIAL STUDY SESSION  
SAN BRUNO CITY COUNCIL**

**July 12, 2016**

**6:00 p.m.**

**1. CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met on July 12, 2016 at San Bruno's Senior Center, 1555 Crystal Springs Road, San Bruno, Ca in a special closed session meeting. The meeting was called to order at 6:00 p.m.

**2. ROLL CALL:**

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

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

**4. CONDUCT OF BUSINESS:**

Conduct Study Session to Review Preparation of the City's Climate Action Plan.

**Community Development Director Woltering** reviewed the staff report. There was no reportable action.

**5. ADJOURNMENT:**

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

Respectfully submitted for approval  
at the City Council Meeting of  
August 23, 2016

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Carol Bonner, City Clerk

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Jim Ruane, Mayor



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## MINUTES SAN BRUNO CITY COUNCIL

July 26, 2016

7:00 p.m.

**1. CALL TO ORDER: THIS IS TO CERTIFY THAT** the San Bruno City Council met on July 26, 2016 at San Bruno's Senior Center, 1555 Crystal Springs Road, San Bruno, CA. The Council meeting was called to order at 7:04 p.m. **Mayor Ruane** thanked the garden club for the flower arrangement.

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

Presiding was Mayor Ruane, Vice Mayor Marty Medina, Councilmembers Ibarra, Rico Medina and O'Connell. **Dave Nigel** led the pledge of allegiance. Recording by City Clerk Bonner.

**3. ANNOUNCEMENTS:**

**Mayor Ruane** announced:

- a. The Regular City Council Meeting of August 9, 2016 is cancelled.
- b. The Beautification Task Force is accepting nominations for the Annual Beautification Awards Program. Applications can be found on the website as well as in the City Clerk's office. The deadline is Friday, August 19, 2016 at 5:00 p.m.
- c. The Annual National Night Out event will be held on Tuesday, August 2, 2016, from 6:00 p.m. to 8:00 p.m. A Kickoff event will be held at Grundy Park for San Bruno residents who want to participate and learn about starting a neighborhood watch group in their own neighborhood.

**4. PRESENTATIONS:**

Receive Presentation on Garage Sale Demonstration.

**IT Manager Eric Jackson** gave a three and a half minute video on how to submit a garage sale on line.

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

**6. APPROVAL OF MINUTES:** Regular Council Meeting of July 12, 2016, corrected to show Councilmember Ibarra in attendance, approved as submitted.

**7. CONSENT CALENDAR:**

- a. **Approve:** Accounts Payable of July 11 and 18, 2016.
- b. **Approve:** Payroll of July 1 and July 15, 2016.
- c. **Adopt:** Resolution Approving the Final Map and Authorizing the City Manager to Execute an Improvement Agreement, a Maintenance Agreement, a Stormwater Treatment Measures Maintenance Agreement, and an Agreement Regarding Improvements in Right of Way for the Plaza Project at 406-418 San Mateo Avenue.

d. **Adopt:** Resolution Accepting the SCADA Radio Transmitter Installation Project as Complete, Authorizing the Filing of Notice of Completions with the San Mateo County Recorder's Office, and Authorizing Release of the Construction Contract Retention in the Amount of \$7,616.

e. **Adopt:** Resolution Approving Out-of-State Travel for Staff to Attend Meetings and Conferences during Fiscal Year 2016-17.

f. **Adopt:** Resolution Amending the City Classification Plan by Adopting Position Descriptions for Accountant, Fire Battalion Chief, Fire Captain, Revenue Operations Supervisor, and Systems Administrator Positions, and Adopting Salary Ranges for Revenue Services Supervisor and Systems Administrator Positions.

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

**Councilmember O'Connell** pulled Item 7.g.

**Vice Mayor Marty Medina** pulled Item 7.c.

**Councilmember Rico Medina** pulled Item f.

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

**Councilmember Rico Medina** wanted it noted he did not approve the Meyers Nave expenditures on the warrant register.

**Vice Mayor Marty Medina** regarding 7.c. asked for an update on the Plaza site. He asked if there will be a phone number to call. **Community Development Director Woltering** said if this resolution is approved, the next step is for Sares-Regis to shore up the site to prepare for vertical construction which they anticipate to start in mid-August and added they expect the building to be a two-year process. He said there will be a posted sign with a contact name and phone number at the site.

**Councilmember O'Connell/Rico Medina** to approve Item 7.c. and passed with all ayes.

**Councilmember Rico Medina** regarding Item 7f. referenced under the physical demands, can lift 25 lbs and occasionally up to 150 lbs. He asked how the lbs. limitation was arrived at.

**Assistant City Manager Yuki** said it is consistent with the position and other cities are looked at for requirements. 150 lbs. is for patients.

**Councilmember Rico Medina** asked for an assessment of the weight, he felt 150 lbs. is a little light.

**M/S Rico Medina/Ibarra** to approve 7.f. and passed with all ayes.

**Councilmember O'Connell** regarding Item 7.g. acknowledged her appreciation for all the hard work that Tami Parker has done.

**M/S O'Connell/Ibarra** to approve Item 7.g. and passed with all ayes.

## 8. PUBLIC HEARING:

Hold Public Hearing and Adopt Resolution Adopting the Negative Declaration; Amending the General Plan and Transit Corridors Plan; and Adopting the San Bruno "Walk 'n Bike Plan" with Amendments.

**Community Development Director Woltering** introduced the members of the Bicycle and Pedestrian Committee. He reviewed the staff report and asked for questions.

**Councilmember O’Connell**, Attachment 1, Exhibit F, Page 4 of 7, talks about when to do some of these things and she asked it be moved to a sooner date than later. **Woltering** was in agreement that this should be a short term goal to pursue.

**Vice Mayor Marty Medina** said he would like to see something stronger on enforcement. He said he would like to see a plan on how we would do this enforcement. Safety is the number one priority.

**City Manager Jackson** said staffing belongs to the City Council and the plan applies an endorsement statement for the City Council to consider as part of the budget prioritization process. **Vice Mayor Marty Medina** said by having the plan they will be able to budget.

**Mayor Ruane** opened the Public Hearing.

**Jeffrey Tong** said San Bruno is known for their auto dealerships and auto repair program at Skyline College. He said with the Bicycle Pedestrian Master Plan, San Bruno has the opportunity to redefine itself as the greenest City in the peninsula. Currently there are no bike repair shops in San Bruno and he said a bicycle infrastructure needs to be in place to encourage an owner to have an incentive to come in. He suggested an electric shuttle bus to transport bikers from the top of San Bruno.

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

**Councilmember O’Connell** introduced the resolution and passed with a unanimous vote.

**9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:** None.

**10. CONDUCT OF BUSINESS:**

a. Adopt Resolution Discontinuing Stage II Conservation Measures of the City’s Water Shortage Contingency Plan and Implementing Stage I Conservation Measures.

**Deputy Director Burch** gave an overview of the staff report and asked for questions.

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

b. Adopt Resolution Authorizing the City Manager to Execute a Construction Contract for the Crestmoor Neighborhood Reconstruction – Phase IV Street Improvement Project with Granite Rock Company in the Amount of \$9,771,221 and Approving a Construction Budget of \$10,750,000.

**Project Manager Burrows** gave an overview of the staff report. He added the work will be very complex and disruptive to the neighborhood and asked for questions

**Vice Mayor Medina** confirmed the driveway approach to the slope is all that is being replaced. **Burrows** concurred. **Vice Mayor Marty Medina** said the residents will not be able to drive on their driveways for a couple of days. **Burrows** said a determination was made to use early set, high strength concrete for the driveways.

**Vice Mayor Medina** asked about delay of weather. **Burrows** said they cannot anticipate the future weather but what they do is making a daily determination of what the weather is like.

**Vice Mayor Medina** questioned the \$480,000 for testing materials and asked if that included inspection. **Burrows** concurred. **Vice Mayor Medina** asked if there would be a City inspector or do we need an additional inspector? **City Manager Jackson** said there will be available staff based on the concurrence of the Public Services Director.

**Councilmember Ibarra** asked the scope of the project. He asked if the area covered is from San Bruno Avenue through the entire neighborhood all the way to Sneath Lane, every sidewalk, every curb, every driveway approach, every street light, and the street surface. **Burrows** concurred. He said in addition it is the inclusion of a sub-drain system, the full length of every road and the completion of the storm drain system in the neighborhood. It will be done in increments of 15 houses.

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

c. Adopt Resolution Authorizing the City Manager to Execute a Contract with Anderson Brule Associates to Prepare a Community Facilities Vision Plan in the Amount of \$169,500 and Authorizing a Project Contingency Amount of \$25,000 for a Total Not to Exceed Project Budget of \$194,500.

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

**Councilmember Rico Medina** referencing the expenditure of \$25,000, he asked for a definition of expanding the scope. **City Manager Jackson** said if there was another group/community meeting needed, there would be funds available.

**Kate Rivard** with **Anderson Brule Associates**, an architect firm, gave an explanation of what their company does and what they plan to do. There can be additional outreach to the public in putting together the community's needs. **Councilmember Rico Medina** asked if it was a fair statement to say it was scaled down. **City Manager Jackson** concurred.

**Councilmember O'Connell** added the monies might be used for community mailings.

**Councilmember Ibarra** asked if there would be artist's renditions.

**City Manager Jackson** said that part of the rescoping and narrowing the focus of the work effort that ADA has been asked to perform cuts out asking them to produce drawings. The intent is to quickly get to what is the community's interest.

**Vice Mayor Marty Medina** said he did not receive the staff report until the early hours of the morning. He said we have had the listening campaigns already and for those who wanted something different, for instance, ballparks were a big part of two or the three meetings he attended; the infrastructure; improving downtown; having fiber installed in San Bruno. Are those who were interested in these things being left behind and is it just the four that will be looked at. He said with the money we have now, there is not enough to build all four. How is this information being weighted?

**Nancy Krauss, President, Community Foundation**, said referencing the listening campaign, Anderson Brule Associates came on board after the campaign. It was precisely for the reason to prepare a cost model that is sensitive to the input received during the listening campaign. Along with Council, she said they felt the needed a vision plan of what the community would like to see in the plan, how would you like the recreation center to function, could these facilities be combined. It is a whole new conversation and it doesn't preclude down the road parks or fields, but it is going to say to the community this foundation has X number of dollars that will not cover any of these projects. But, collectively as a community, if the Foundation can only give one thing, what would you like to see.

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

d. Receive Report and Provide Direction Regarding Amendment of Municipal Code Chapter 6.50 - Safe and Sane Fireworks.

**City Attorney Zafferano** gave an overview of the history of fireworks in San Bruno and the rules governing the ordinance. He reviewed the staff report and asked for direction.

**Councilmember Rico Medina** suggested the selling on July 4<sup>th</sup> end at 7:00 p.m.

**Councilmembers O'Connell** and **Ibarra** suggested sales start at 10:00 a.m. instead of 9:00 a.m. every day. **Councilmember Ibarra** also believed sales needed to end earlier on July 4.

**Mayor Ruane** agreed on July 4<sup>th</sup> sales should start at 10 a.m. and end at 7 p.m.

**City Attorney Zafferano** went down the list:

*Regarding sales:*

June 28 start at Noon and end at 8:00 p.m.

June 29 – July 3 – start at 10:00 a.m. go to 8:00 p.m.

July 4 - start at 10:00 a.m. and go to 7:00 p.m.

*Regarding use:*

June 28 – July 3 – noon to 9:00 p.m.

July 4 – irrespective of the day, firework's use will be from noon to 11:00 p.m.

There was discussion regarding the time it should end on July 4 but it was concluded 11:00 p.m. worked best.

**Councilmember Rico Medina** asked if it would be more challenging with the time changes. **Chief Barberini** said it is all about the public and they will reach out and educate them. There is a difference between a weekend and a workday, things seem to settle earlier.

**Chief Barberini** said this year they noticed an almost complete drop of fireworks use at 11:00 p.m.

e. Adopt Resolution Authorizing the Purchase of 27 Vehicles in the Total Amount Not to Exceed \$1,854,000, and Appropriating \$19,000 from the Equipment Reserve Fund.

**Deputy Director Burch** gave an overview of the staff report and asked for questions.

**Councilmember Ibarra** asked how many cars are pushing 20 years old. **Burch** said quite a few. Their goal is to get a little closer to the 10 year replacement. He said they will be in catch-up mode for the next couple of years.

**Councilmember Rico Medina** asked if there was a need for three pool cars. **Burch** said there was a need this summer when there was a lot of activity going on. **Councilmember Rico Medina** asked if the bucket truck was something that needed to be purchased now or should it wait until tomorrow in the study session. **Burch** said that was up to Council's discretion. He said their estimate was \$110,000. but it is actually \$152,000. **City Manager Jackson** said there will be no purchase of that vehicle for at least several weeks. **Councilmember Rico Medina** asked the list be updated to reflect \$152,000 instead of \$110,000.

**Councilmember Rico Medina** said we have 143 vehicles which is close to what we have had and maintained. Staff has been increased from a few years ago and he wanted to know we are doing the same thing here. Have we done an internal thing as we had not done in the other category. **Burch** concurred.

**Vice Mayor Marty Medina** asked if the City has considered leasing. **Burch** said he and the Finance Director had met with an outside vendor months ago to discuss leasing which they are still looking at.

**Councilmember Rico Medina** said they could go forward with the bucket truck with an asterisk next to it since it will not be purchased right away.

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

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

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

**13. CLOSED SESSION:** None.

**14. ADJOURNMENT:**

**Mayor Ruane** closed the meeting ended at 9:28 p.m. The next regular City Council Meeting will be held on August 23, 2016 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval  
at the City Council Meeting of  
August 23, 2016

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Carol Bonner, City Clerk

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Jim Ruane, Mayor

07/25/16

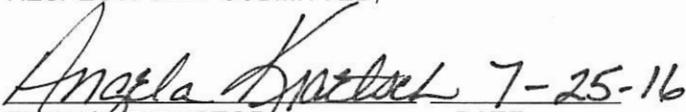
CITY OF SAN BRUNO  
WARRANT REGISTER  
TOTAL FUND RECAP

FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$77,579.68
132	AGENCY ON AGING	\$1,466.80
207	TECHNOLOGY CAPITAL	\$3,185.00
611	WATER FUND	\$4,333.08
621	STORMWATER FUND	\$208.99
631	WASTEWATER FUND	\$1,500.05
641	CABLE TV FUND	\$46,433.78
702	FACILITY MAINT. FUND	\$5,892.13
707	TECHNOLOGY DEVELOPMENT	\$6,475.64
880	PROJECT DEVELOP TRUST	\$2,673.84
TOTAL FOR APPROVAL		\$149,748.99

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 163051 THROUGH 163156 INCLUSIVE, TOTALING IN THE AMOUNT OF \$149,748.99 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.O.

Document group: dliu Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0102485 AARON WONG	163155	7/25/2016	160.00
0016499 ACTION SPORTS	163051	7/25/2016	1,658.98
0106435 ACTION TOWING & ROAD SVC. INC.	163052	7/25/2016	45.00
0093358 ADVANCED BUSINESS FORMS	163053	7/25/2016	1,360.76
0001170 AIRGAS USA, LLC	163054	7/25/2016	28.35
0099681 ALEXANDER AMATAGA	163056	7/25/2016	150.00
0000372 ALLIED SECURITY ALARMS	163055	7/25/2016	1,260.00
0106199 ARAGON VETERINARY CLINIC	163057	7/25/2016	60.80
0016123 AT&T	163058	7/25/2016	2,008.42
0018363 AT&T LONG DISTANCE	163059	7/25/2016	16.05
0000345 BAKER & TAYLOR BOOKS	163060	7/25/2016	2,051.53
0001849 BAY AREA WATER SUPPLY & CONSERVATION AGEN	163139	7/25/2016	2,704.00
0105710 BRANDON HART	163092	7/25/2016	160.00
0000378 BROADMOOR LANDSCAPE SUPPLY	163061	7/25/2016	606.71
0102737 BURKE, WILLIAMS & SORENSEN,LLP	163063	7/25/2016	14,490.68
0014739 CAL-STEAM	163065	7/25/2016	321.03
0001888 CALIFORNIA CABLE & TELECOMMUNICATIONS ASSI	163141	7/25/2016	913.66
0103854 CHRISTINE HOPKINS	163094	7/25/2016	288.60
0016324 CINTAS CORPORATION	163066	7/25/2016	284.40
0016324 CINTAS CORPORATION	163067	7/25/2016	78.53
0098588 CITY OF BURLINGAME	163068	7/25/2016	3,361.50
0098588 CITY OF BURLINGAME	163069	7/25/2016	1,000.00
0000227 CITY OF SAN BRUNO	163070	7/25/2016	753.41
0000386 CITY OF SOUTH SAN FRANCISCO	163071	7/25/2016	320.43
0018446 CMRTA	163072	7/25/2016	275.00
0018912 DASH MEDICAL GLOVES INC.	163075	7/25/2016	385.21
0093479 DEPARTMENT OF JUSTICE	163076	7/25/2016	1,060.00
0099725 ELVIRA LOPEZ	163106	7/25/2016	400.00
0017152 ERLER & KALINOWSKI, INC.	163079	7/25/2016	564.50
0106116 EVERBANK COMMERCIAL FINANCE, INC.	163073	7/25/2016	741.72
0018697 EVIDENT	163080	7/25/2016	350.88
0000046 EWING IRRIGATION PRODUCTS INC	163081	7/25/2016	1,377.13
0018551 FASTENAL COMPANY	163082	7/25/2016	459.40
0095666 GLOBAL TELECOM&TECHNOLOGY INC.	163084	7/25/2016	2,061.50
0104135 GLOBAL TRACKING COMMUNICATIONS, INC.	163144	7/25/2016	24.99
0018864 GMA NETWORK INC.	163085	7/25/2016	911.42
0016969 GOLDEN IDEAS	163086	7/25/2016	1,120.70
0001137 GOLDEN NURSERY	163087	7/25/2016	45.01
0000162 GRAINGER	163088	7/25/2016	64.00
0017900 GREAT LAKES DATA SYSTEMS INC	163089	7/25/2016	1,900.00
0095966 GREATAMERICA FINANCIAL SVCS.	163090	7/25/2016	577.50
0105378 HOME MAID RAVIOLI COMPANY INC.	163093	7/25/2016	422.35
0018838 INFOSEND, INC.	163095	7/25/2016	84.97
0015531 INTERSTATE BATTERY SYS. OF SF	163096	7/25/2016	54.39
0000581 IRVINE & JACHENS INC.	163097	7/25/2016	78.67
0099640 JESSE GULTIA	163091	7/25/2016	150.00
0000075 K-119 TOOLS OF CALIFORNIA INC.	163098	7/25/2016	52.10
0000317 L.N. CURTIS & SONS	163100	7/25/2016	333.54
0105752 LEVEL 3 COMMUNICATIONS, LLC	163102	7/25/2016	4,479.94
0105034 LFP BROADCASTING, LLC	163103	7/25/2016	33.80
0104424 LIDIA'S ITALIAN DELICACIES	163104	7/25/2016	825.00
0091101 LIEBERT CASSIDY WHITMORE	163105	7/25/2016	4,955.00
0018177 LOWE'S	163108	7/25/2016	132.61

Document group: dliu Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0017026 LYNX TECHNOLOGIES, INC.	163109	7/25/2016	3,185.00
0099667 MARIA KING	163099	7/25/2016	81.00
0096714 MAXCOM	163111	7/25/2016	290.50
0100907 MICHAEL BRUM	163062	7/25/2016	119.00
0099686 MICHAEL MATTHEWS	163110	7/25/2016	150.00
0000333 MOSS RUBBER & EQUIP. CORP.	163112	7/25/2016	301.33
0104730 MUNICIPAL EMERGENCY SERVICES	163113	7/25/2016	1,703.34
0105725 NATIONAL ACADEMY OF ATHLETICS	163114	7/25/2016	1,801.80
0092263 OFFICE DEPOT INC	163115	7/25/2016	279.45
0018284 OFFICEMAX INC.	163116	7/25/2016	322.21
0097567 ONE HOUR DRY CLEANING	163117	7/25/2016	319.30
0000012 PACIFIC GAS & ELECTRIC	163118	7/25/2016	23,008.83
0015163 PENINSULA SPORTS OFFICIALS ASSOC.INC.	163135	7/25/2016	275.00
0095538 POP MEDIA NETWORKS, LLC	163119	7/25/2016	772.72
0102915 PRECISE PRINTING & MAILING	163120	7/25/2016	733.80
0018656 PRECISION CONCRETE CUTTING	163121	7/25/2016	2,423.50
0000285 PREFERRED ALLIANCE, INC.	163122	7/25/2016	768.52
0104548 RENNE SLOAN HOLTZMAN SAKAI LLP	163123	7/25/2016	5,509.50
0106483 ROBERT EDWARDS	163077	7/25/2016	115.00
0000022 ROBERT LOUIE	163107	7/25/2016	214.35
0018070 RON LAVEZZO	163101	7/25/2016	45.00
0018839 RYAN JOHANSEN	163124	7/25/2016	500.00
0105003 S & S PLUMBING CO.	163125	7/25/2016	2,050.00
0018096 SAFARILAND, LLC	163126	7/25/2016	57.05
0096659 SAN BRUNO PET HOSPITAL	163127	7/25/2016	135.50
0099047 SAN MATEO CTY SHERIFF'S OFFICE	163128	7/25/2016	1,260.00
0106457 SAN MATEO- FOSTER CITY SCHOOL DISTRICT	163083	7/25/2016	142.50
0106485 SANTA CLARA COUNTY SHERIFF'S OFFICE	163074	7/25/2016	1,650.00
0103732 SFO MEDICAL CLINIC	163130	7/25/2016	18.00
0018962 SHOE DEPOT INC.	163131	7/25/2016	274.66
0098030 SHRED-IT USA	163132	7/25/2016	57.45
0103492 SMITHSONIAN NETWORKS	163133	7/25/2016	282.63
0017508 SOUTH CITY LUMBER AND SUPPLY	163134	7/25/2016	132.71
0097079 SPRINT	163136	7/25/2016	296.48
0014075 STATE BOARD OF EQUALIZATION	163137	7/25/2016	3,916.00
0105796 SUNRISE FOOD DISTRIBUTOR INC.	163138	7/25/2016	219.45
0017672 TED CHAPMAN	163140	7/25/2016	297.26
0002025 TELECOMMUNICATIONS ENGINEERING ASSOCIATE	163078	7/25/2016	2,701.85
0098021 THE SAN MATEO MEDICAL CENTER	163142	7/25/2016	700.00
0106347 THOMAS SARSFIELD	163129	7/25/2016	700.70
0000036 THOMSON WEST	163143	7/25/2016	1,055.75
0105953 TRIIO, LLC	163145	7/25/2016	6,200.00
0017133 TURBO DATA SYSTEMS INC	163146	7/25/2016	1,849.63
0000019 U.S. POSTMASTER	163147	7/25/2016	3,800.00
0095749 VERIZON WIRELESS	163148	7/25/2016	1,613.91
0104256 VIBO MUSIC CENTER	163149	7/25/2016	861.60
0104028 VICTOR CACERES	163064	7/25/2016	400.00
0105762 VUBIQUITY INC.	163150	7/25/2016	7,857.81
0104233 WAVE	163151	7/25/2016	8,822.50
0016899 WECO INDUSTRIES LLC	163152	7/25/2016	221.41
0096421 WEST-LITE SUPPLY CO., INC.	163153	7/25/2016	108.46
0013841 WITMER-TYSON IMPORTS INC	163154	7/25/2016	722.36
0105985 ZOLTAN DESIGN, LLC	163156	7/25/2016	420.00

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GrandTotal:                      149,748.99  
Total count:                      106

08/01/16

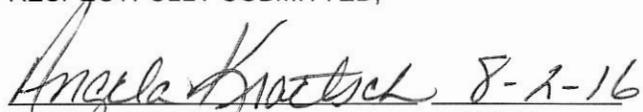
CITY OF SAN BRUNO  
WARRANT REGISTER  
TOTAL FUND RECAP

FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$85,412.08
132	AGENCY ON AGING	\$206.91
133	RESTRICTED DONATIONS	\$3,953.50
611	WATER FUND	\$3,989.34
621	STORMWATER FUND	\$1,135.04
631	WASTEWATER FUND	\$2,280.31
641	CABLE TV FUND	\$31,384.82
701	CENTRAL GARAGE	\$3,228.90
702	FACILITY MAINT. FUND	\$4,300.38
707	TECHNOLOGY DEVELOPMENT	\$2,663.80
880	PROJECT DEVELOP TRUST	\$3,106.50
TOTAL FOR APPROVAL		\$141,661.58

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 163157 THROUGH 163267 INCLUSIVE, TOTALING IN THE AMOUNT OF \$141,661.58 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                      8-1-16  
DATE

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0106487 A-1 SEPTIC TANK SERVICE, INC.	163157	8/1/2016	2,120.00
0106352 A-Z BUS SALES INC	163170	8/1/2016	129.17
0000858 ADECCO EMPLOYMENT SERVICES	163159	8/1/2016	1,997.44
0001170 AIRGAS USA, LLC	163160	8/1/2016	368.03
0000163 AIRPORT AUTO PARTS INC.	163161	8/1/2016	49.51
0000372 ALLIED SECURITY ALARMS	163162	8/1/2016	160.00
0001202 ARAMARK UNIFORM SERVICES	163163	8/1/2016	862.74
0001965 ARISTA BUSINESS	163165	8/1/2016	1,065.81
0099843 ARLENE DASHUTE	163188	8/1/2016	6.94
0099381 ARNEL ABELLO	163158	8/1/2016	1,000.00
0016123 AT&T	163166	8/1/2016	38.45
0017191 AT&T	163167	8/1/2016	459.36
0018455 AT&T MOBILITY	163168	8/1/2016	46.65
0018583 AT&T MOBILITY	163169	8/1/2016	63.32
0099708 AYMAN MOUSSA	163234	8/1/2016	33.66
0000345 BAKER & TAYLOR BOOKS	163171	8/1/2016	724.84
0102626 BARBARA BRUXVOORT	163173	8/1/2016	99.01
0018390 BEN'ZARA MINKIN	163230	8/1/2016	17,637.00
0105324 CAINE COMPUTER CONSULTING, LLC	163175	8/1/2016	3,120.00
0018317 CANNON DESIGN GROUP	163176	8/1/2016	3,687.55
0099687 CAROLINE JOHANSSON	163213	8/1/2016	18.07
0018977 CBS TELEVISION STATIONS	163178	8/1/2016	11,252.64
0099871 CCS MANAGEMENT SVCS LLC	163179	8/1/2016	5.00
0017843 CENTRAL COUNTY FIRE DEPT.	163180	8/1/2016	542.81
0106166 CHANGWEI YU-SCOTT	163267	8/1/2016	80.00
0104689 CHEMTREC	163181	8/1/2016	975.00
0016324 CINTAS CORPORATION	163182	8/1/2016	465.32
0013595 CITY OF SAN BRUNO	163184	8/1/2016	764.21
0000169 COSTA'S / "JUST THINGS"	163186	8/1/2016	185.30
0018331 CSG CONSULTANTS INC.	163187	8/1/2016	217.00
0099837 DARRON ISBELL	163212	8/1/2016	6.69
0106080 DATALINK CORPORATION	163189	8/1/2016	1,102.50
0018188 DAU PRODUCTS	163190	8/1/2016	487.57
0106399 DSA ACADEMY	163193	8/1/2016	300.00
0099835 ELLEN DONNELLY	163192	8/1/2016	92.59
0016920 ENVIRONMENTAL SCIENCE ASSOCIATES (ESA)	163252	8/1/2016	676.50
0000944 FEDEX	163197	8/1/2016	54.85
0001782 FLOWERS ELECTRIC & SVC.CO.INC.	163198	8/1/2016	360.00
0018117 FLYERS ENERGY, LLC	163199	8/1/2016	8,718.09
0102869 FRANCHISE TAX BOARD	163201	8/1/2016	50.00
0016363 GCS ENVIRONMENTAL & EQUIPMENT SVC.	163196	8/1/2016	437.20
0099731 GENEVIEVE DUXBURY	163194	8/1/2016	60.04
0104771 GILLERAN ENERGY MANAGEMENT SERVICES	163195	8/1/2016	1,504.25
0000162 GRAINGER	163203	8/1/2016	6.59
0000541 GRANITE ROCK COMPANY	163204	8/1/2016	105.01
0017900 GREAT LAKES DATA SYSTEMS INC	163205	8/1/2016	900.00
0096837 GYM DOCTORS	163206	8/1/2016	100.00
0105488 HINES EDM, INC.	163207	8/1/2016	2,449.25
0099229 HUNTS CONSTRUCTION PARTNER	163209	8/1/2016	1,000.00
0018125 INTERNATIONAL CODE COUNCIL-ICC	163210	8/1/2016	2,213.67
0099870 JENNIFER MARTINEZ	163223	8/1/2016	6.90
0099696 JIM HOWER	163208	8/1/2016	11.06
0099729 JOE MCGINITY	163224	8/1/2016	24.15

Document group: komalley Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0095200 JOHN SWENDSEN	163258	8/1/2016	1,610.00
0100044 JOSEPH PERNA	163214	8/1/2016	3,953.25
0000075 K-119 TOOLS OF CALIFORNIA INC.	163215	8/1/2016	133.09
0105945 KERRY BURNS	163174	8/1/2016	398.00
0000317 L.N. CURTIS & SONS	163216	8/1/2016	24.53
0014262 LC ACTION POLICE SUPPLY	163218	8/1/2016	5,035.05
0099743 LIANGNAN WU	163265	8/1/2016	12.72
0099758 LIZBETH CARABALLO	163177	8/1/2016	12.72
0099233 LORENA SEGURA	163253	8/1/2016	1,000.00
0100050 MERRICK KOSKEN	163225	8/1/2016	105.00
0102770 METLIFE	163226	8/1/2016	350.46
0015875 MG MEDIA S.A.R.L	163227	8/1/2016	53.94
0097894 MICHAEL DONAHUE	163191	8/1/2016	6.04
0106489 MICHAEL RUSSO	163249	8/1/2016	1,000.00
0099901 MICHELLE BARRIONUEVO	163172	8/1/2016	695.00
0099726 MICHIYO PATTILLO	163240	8/1/2016	21.99
0092285 MICROMARKETING LLC	163228	8/1/2016	91.97
0016863 MIDWEST TAPE, LLC	163229	8/1/2016	43.14
0099817 MIKHAIL LEVITSKIY	163219	8/1/2016	11.06
0096800 MOBILE CALIBRATION SVCS. LLC	163231	8/1/2016	293.08
0103600 MOMENTUM TELECOM, INC.	163232	8/1/2016	14,228.94
0000333 MOSS RUBBER & EQUIP. CORP.	163233	8/1/2016	895.04
0018157 OCLC INC	163236	8/1/2016	352.47
0092263 OFFICE DEPOT INC	163237	8/1/2016	2,009.66
0000210 OLE'S CARBURETOR & ELECTRIC INC	163238	8/1/2016	957.79
0000012 PACIFIC GAS & ELECTRIC	163239	8/1/2016	11,478.32
0097375 PAVLOS LAZOS	163217	8/1/2016	1,000.00
0106156 PENGUIN RANDOM HOUSE LLC	163241	8/1/2016	69.49
0001154 PENINSULA LIBRARY SYSTEM	163242	8/1/2016	411.70
0018094 PLAYBOY ENTERPRISES, INC.	163243	8/1/2016	17.98
0018312 R. GUERRA & ASSOCIATES	163244	8/1/2016	250.00
0091044 R.A. METAL PRODUCTS, INC	163245	8/1/2016	84.32
0099386 RALPH ARCENEAX	163164	8/1/2016	1,000.00
0105990 REBEL YELL BAND LLC	163246	8/1/2016	1,302.00
0094546 RECORDED BOOKS, INC.	163247	8/1/2016	8.67
0016729 RICOH AMERICAS CORPORATION	163248	8/1/2016	328.19
0099847 ROCHELLE CISTER	163183	8/1/2016	161.32
0099783 RON TOMASELLO	163259	8/1/2016	10.17
0100145 RUBY YU	163266	8/1/2016	875.00
0018597 SAN MATEO DAILY JOURNAL	163250	8/1/2016	1,502.00
0095975 SCOT MACKENZIE	163222	8/1/2016	156.91
0018461 SERRAMONTE FORD, INC.	163254	8/1/2016	545.92
0106078 SOLAR CITY	163255	8/1/2016	125.00
0099864 STELLA & DOT	163256	8/1/2016	10.17
0103599 STEVEN FREITAS	163202	8/1/2016	600.00
0017802 SUPPLYWORKS	163257	8/1/2016	2,030.46
0099825 TASHA SAYAMA	163251	8/1/2016	9.48
0015671 TECHNOLOGY, ENGINEERING & CONSTRUCTION, II	163185	8/1/2016	160.00
0105824 TRIVAD, INC.	163260	8/1/2016	1,475.45
0099828 UMA NUTHAKKI	163235	8/1/2016	18.96
0105133 UTILITY TELECOM, INC.	163261	8/1/2016	189.87
0102988 VANTAGEPOINT TRANSFER AGENTS	163262	8/1/2016	11,433.11
0095749 VERIZON WIRELESS	163263	8/1/2016	2,820.77
0098808 VINCE LOPICCOLO	163220	8/1/2016	1,000.00

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Document group: komalley      Bank: apbank      05507660

<u>Vendor Code &amp; Name</u>	<u>Check #</u>	<u>Check Date</u>	<u>Amount</u>
0093259      WILLIAM FORESTER	163200	8/1/2016	207.94
0105349      WILLIAM LUNSFORD	163221	8/1/2016	185.84
0099875      YUE WANG	163264	8/1/2016	47.40
0099873      ZVI IONIS	163211	8/1/2016	8.46
		<b>GrandTotal:</b>	<b>141,661.58</b>
		<b>Total count:</b>	<b>111</b>

08/08/16

CITY OF SAN BRUNO  
WARRANT REGISTER  
TOTAL FUND RECAP

FUND	FUND NAME	AMOUNT
001	GENERAL FUND	\$356,142.75
132	AGENCY ON AGING	\$4,119.81
133	RESTRICTED DONATIONS	\$1,254.64
190	DISASTER RECOVERY FUND	\$151,768.48
201	PARS AND FACILITIES CAPITAL	\$164,669.92
203	STREET IMPROVE. PROJECTS	\$129,311.08
207	TECHNOLOGY CAPITAL	\$15,650.00
611	WATER FUND	\$201,547.15
621	STORMWATER FUND	\$14,866.00
631	WASTEWATER FUND	\$54,904.45
641	CABLE TV FUND	\$424,768.11
701	CENTRAL GARAGE	\$22,233.89
702	FACILITY MAINT. FUND	\$6,725.22
707	TECHNOLOGY DEVELOPMENT	\$9,930.38
711	SELF INSURANCE	\$107,478.23
880	PROJECT DEVELOP TRUST	\$990.00
TOTAL FOR APPROVAL		\$1,666,360.11

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 163268 THROUGH 163382 INCLUSIVE, TOTALING IN THE AMOUNT OF \$1,666,360.11 HAVE BEEN CHECKED IN DETAIL AND APPROVED BY THE PROPER OFFICIALS, AND IN MY OPINION REPRESENT FAIR AND JUST CHARGES AGAINST THE CITY IN ACCORDANCE WITH THEIR RESPECTIVE AMOUNTS AS INDICATED THEREON.

RESPECTFULLY SUBMITTED,

  
FINANCE DIRECTOR                      DATE

Document group: dliu Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount
0016499 ACTION SPORTS	163268	8/8/2016	8,475.50
0104925 ASIA TV USA, LTD.	163269	8/8/2016	1,289.25
0014617 AT&T	163270	8/8/2016	13.42
0016123 AT&T	163271	8/8/2016	823.62
0017191 AT&T	163272	8/8/2016	41.51
0018020 BARKER BLUE DIGITAL IMAGING	163274	8/8/2016	3.00
0106484 BARLETT'S AUTO BODY	163275	8/8/2016	9,697.74
0001849 BAY AREA WATER SUPPLY & CONSERVATION AGEN	163365	8/8/2016	12,017.00
0105553 BELLECCI & ASSOCIATES, INC.	163276	8/8/2016	7,616.00
0017624 BKF ENGINEERS	163277	8/8/2016	5,530.48
0000272 BMI IMAGING SYSTEMS	163278	8/8/2016	6,250.00
0096798 BUSINESS PRODUCTS & SUPPLIES	163279	8/8/2016	309.51
0090082 C/CAG	163280	8/8/2016	148,690.00
0106246 CATHOLIC CHARITIES	163281	8/8/2016	2,877.00
0099674 CELSO'S PLUMBING	163282	8/8/2016	4,100.00
0017843 CENTRAL COUNTY FIRE DEPT.	163283	8/8/2016	42,419.61
0018303 CHANNING BETE COMPANY INC.	163284	8/8/2016	503.17
0103854 CHRISTINE HOPKINS	163311	8/8/2016	288.60
0098588 CITY OF BURLINGAME	163285	8/8/2016	500.00
0000060 CITY OF MILLBRAE	163286	8/8/2016	416.95
0000227 CITY OF SAN BRUNO	163287	8/8/2016	4,967.60
0000386 CITY OF SOUTH SAN FRANCISCO	163288	8/8/2016	2,879.30
0018911 COMCAST CABLE COMMUNICATIONS	163289	8/8/2016	27,688.95
0104508 COMCAST SPORTSNET CALIFORNIA	163290	8/8/2016	23,049.18
0106468 COMMUNICATION NETWORK RESOURCE	163291	8/8/2016	24,223.00
0105187 CONCERN	163292	8/8/2016	690.90
0105811 CSAC EXCESS INSURANCE AUTHORITY	163297	8/8/2016	13,188.68
0090536 CWEA-SCVS	163293	8/8/2016	480.00
0104871 DAVID CLARK COMPANY, INC	163294	8/8/2016	195.25
0098270 EMERALD HILLS GOLFLAND	163296	8/8/2016	1,680.00
0013714 FIRST NATIONAL BANK	163298	8/8/2016	33,809.80
0013714 FIRST NATIONAL BANK	163299	8/8/2016	562.33
0018117 FLYERS ENERGY, LLC	163300	8/8/2016	6,848.34
0106240 GALLAGHER & BURK, INC.	163301	8/8/2016	33,395.49
0016861 GAMETIME	163302	8/8/2016	159,318.17
0018842 GBH POLYGRAPH SERVICES	163303	8/8/2016	150.00
0016969 GOLDEN IDEAS	163304	8/8/2016	25.50
0099952 GOWRISH RAMAKRISHNA	163350	8/8/2016	108.00
0095966 GREATAMERICA FINANCIAL SVCS.	163306	8/8/2016	693.65
0095537 HARGENS, INC.	163307	8/8/2016	19,836.15
0105966 HMTV TV DOMINICANA LLC	163308	8/8/2016	51.84
0017882 HOME BOX OFFICE	163309	8/8/2016	3,722.67
0105378 HOME MAID RAVIOLI COMPANY INC.	163310	8/8/2016	55.50
0105735 HYDROSCIENCE ENGINEERS, INC.	163312	8/8/2016	980.00
0001786 IN DEMAND-NYC	163313	8/8/2016	555.09
0018838 INFOSEND, INC.	163314	8/8/2016	1,447.65
0099054 INTERSTATE TRS FUND	163315	8/8/2016	773.85
0106450 IRON MOUNTAIN	163316	8/8/2016	166.56
0103342 JMB CONSTRUCTION, INC.	163317	8/8/2016	119,102.44
0000771 JT2 INTEGRATED RESOURCES	163318	8/8/2016	91,439.96
0018376 JT2 INTEGRATED RESOURCES	163319	8/8/2016	6,038.27
0093434 JT2 INTEGRATED RESOURCES	163320	8/8/2016	10,000.00
0018050 KAISER FOUNDATION HEALTH PLAN	163321	8/8/2016	4,505.62

Document group: dliu Bank: apbank 05507660

Vendor Code & Name	Check #	Check Date	Amount	
0096379	KAREN OJAKIAN	163338	8/8/2016	97.50
0000132	KELLY-MOORE PAINT CO INC.	163322	8/8/2016	114.79
0104994	KRON 4/BAY AREA NEWS STATION	163323	8/8/2016	21,495.25
0000317	L.N. CURTIS & SONS	163324	8/8/2016	239.80
0097206	LEARN IT!	163325	8/8/2016	3,000.00
0104335	LEXIPOL LLC	163326	8/8/2016	3,500.00
0095766	LIFE-ASSIST, INC.	163327	8/8/2016	165.34
0103231	MAINTSTAR INC.	163329	8/8/2016	22,900.00
0098169	MAKE IT SIMPLE, MAKE IT FUN	163330	8/8/2016	1,657.50
0096714	MAXCOM	163331	8/8/2016	50,039.73
0103657	MBC AMERICA	163332	8/8/2016	110.42
0018311	MEDCO SUPPLY COMPANY	163333	8/8/2016	348.97
0106446	MICHAEL BAKER INTERNATIONAL, INC.	163273	8/8/2016	14,845.00
0106447	MOORE,IACOFANO, GOLTSMAN, INC.	163334	8/8/2016	26,186.50
0000762	MUNICIPAL MAINTENANCE EQUIPMENT INC.	163328	8/8/2016	22,204.21
0000357	NATIONAL CABLE TV CO-OP, INC.	163335	8/8/2016	256,243.26
0103301	NHL NETWORK US, LP	163336	8/8/2016	751.68
0092263	OFFICE DEPOT INC	163337	8/8/2016	328.97
0001292	ORCHARD BUSINESS/SYNCB	163339	8/8/2016	855.59
0103933	OWEN EQUIPMENT SALES	163340	8/8/2016	3,186.47
0000012	PACIFIC GAS & ELECTRIC	163341	8/8/2016	33,909.93
0000101	PACIFIC NURSERIES	163342	8/8/2016	62.68
0106133	PAMELA GRADNEY	163305	8/8/2016	3.25
0099926	PATRICIA DELUCA	163295	8/8/2016	100.00
0096651	PAX WATER TECHNOLOGIES, INC.	163343	8/8/2016	157,034.00
0001154	PENINSULA LIBRARY SYSTEM	163344	8/8/2016	21,757.00
0001327	PENINSULA PUMP & EQUIPMENT INC	163345	8/8/2016	4,571.76
0095780	PHOENIX SATELLITE TELEVISION (US) INC.	163357	8/8/2016	196.40
0000294	PITNEY BOWES	163346	8/8/2016	2,417.64
0017235	PPC BROADBAND, INC.	163347	8/8/2016	492.15
0013981	QUILL CORPORATION	163348	8/8/2016	71.33
0105862	RAINBOW CHEFS, LLC	163349	8/8/2016	2,866.50
0099019	RCFFA SMCO MEMORIAL SERVICE	163351	8/8/2016	200.00
0090749	RED WING SHOE STORE	163352	8/8/2016	600.85
0103531	RICOH USA, INC.	163353	8/8/2016	409.09
0016213	ROZZI REPRODUCTION&SUPPLY INC.	163354	8/8/2016	186.59
0104691	SAN FRANCISCO FENCERS CLUB	163355	8/8/2016	155.20
0105671	SAN MATEO COUNTY EMS AGENCY	163356	8/8/2016	175.00
0015418	SAN MATEO COUNTY TRAINING OFFICERS ASSOCI,	163369	8/8/2016	375.00
0101667	SHELL DOOR SERVICE	163360	8/8/2016	318.56
0018962	SHOE DEPOT INC.	163361	8/8/2016	3,200.54
0098030	SHRED-IT USA	163362	8/8/2016	48.10
0102921	ST. FRANCIS ELECTRIC, LLC	163363	8/8/2016	76,708.57
0105796	SUNRISE FOOD DISTRIBUTOR INC.	163364	8/8/2016	179.55
0017802	SUPPLYWORKS	163366	8/8/2016	1,549.36
0018073	TEAMSTERS LOCAL 350	163367	8/8/2016	5,288.00
0103559	THE MLB NETWORK, LLC	163368	8/8/2016	1,895.82
0097149	THE SAN FRANCISCO SHAKESPEARE FESTIVAL	163359	8/8/2016	660.00
0105953	TRIIO, LLC	163370	8/8/2016	3,798.90
0000665	TSQ SOLUTIONS INC.	163371	8/8/2016	325.00
0017133	TURBO DATA SYSTEMS INC	163372	8/8/2016	436.00
0018500	TURF & INDUSTRIAL EQUIPMENT CO	163373	8/8/2016	117.21
0001362	TV GUIDE MAGAZINE, LLC	163374	8/8/2016	148.04
0106480	UNIPOWER	163375	8/8/2016	3,989.66

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Vendor Code & Name	Check #	Check Date	Amount
0102744 UNIVERSAL BUILDING SERVICES	163376	8/8/2016	164.00
0102865 UNIVERSAL SERVICE ADMINISTRATIVE CO.	163358	8/8/2016	5,189.59
0105133 UTILITY TELECOM, INC.	163377	8/8/2016	424.78
0106287 WATERWORKS - SOUTH BAY	163378	8/8/2016	475.00
0104660 WEST YOST ASSOCIATES, INC.	163379	8/8/2016	9,842.58
0000612 WESTVALLEY CONSTRUCTION CO.INC	163380	8/8/2016	26,682.13
0096893 WILSEY HAM	163381	8/8/2016	21,478.27
0106400 ZEIGER ENGINEERS, INC.	163382	8/8/2016	5,093.00
		<b>GrandTotal:</b>	<b>1,666,360.11</b>
		<b>Total count:</b>	<b>115</b>



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

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DATE: August 23, 2016  
TO: Honorable Mayor and Members of the City Council  
FROM: Angela Kraetsch, Finance Director  
SUBJECT: Payroll Approval

City Council approval of the City payroll distributed July 29, 2016 and August 12, 2016 is recommended. The Labor Summary reports reflecting the total payroll amount of \$1,495,168.86 for bi-weekly pay period ending July 24, 2016 and \$1,548,573.33 for bi-weekly pay period ending August 7, 2016 are attached.

**LABOR SUMMARY FOR PAY PERIOD ENDING : JULY 24, 2016**

<b>pyLaborDist</b>	<b>07/29/16</b>
Fund: 001 - GENERAL FUND	1,123,758.74
121-FEDERAL/STATE GRANTS	6,084.37
Fund: 122 - SOLID WASTE/RECYCL.	2,368.38
Fund: 190 - EMERGENCY DISASTER FUND	19,224.77
Fund: 201 - PARKS AND FACILITIES CAPITAL	132.60
Fund: 203 - STREET IMPROVE. PROJECTS	4,458.58
Fund: 207 - TECHNOLOGY CAPITAL	32.53
Fund: 611 - WATER FUND	91,529.91
Fund: 621 - STORMWATER FUND	13,452.49
Fund: 631 - WASTEWATER FUND	75,195.89
Fund: 641 - CABLE TV FUND	96,533.42
Fund: 701 - CENTRAL GARAGE	11,833.49
Fund: 702 - FACILITY MAINT.FUND	31,301.67
Fund: 707 - TECHNOLOGY DEVELOPMENT	14,107.68
Fund: 711 - SELF INSURANCE	5,154.34
<b>Total</b>	<b>1,495,168.86</b>

**LABOR SUMMARY FOR PAY PERIOD ENDING : AUGUST 7, 2016**

<b>pyLaborDist</b>	<b>08/12/16</b>
Fund: 001 - GENERAL FUND	1,181,459.42
Fund: 121 - FEDERAL/STATE GRANTS	745.42
Fund: 122 - SOLID WASTE/RECYCL.	2,362.70
Fund: 190 - EMERGENCY DISASTER FUND	13,756.98
Fund: 201 - PARKS AND FACILITIES CAPITAL	88.40
Fund: 203 - STREET IMPROVE. PROJECTS	4,353.40
Fund: 207 - TECHNOLOGY CAPITAL	16.27
Fund: 611 - WATER FUND	87,241.55
Fund: 621 - STORMWATER FUND	12,592.33
Fund: 631 - WASTEWATER FUND	77,467.23
Fund: 641 - CABLE TV FUND	105,317.76
Fund: 701 - CENTRAL GARAGE	12,124.06
Fund: 702 - FACILITY MAINT.FUND	31,570.68
Fund: 707 - TECHNOLOGY DEVELOPMENT	14,336.28
Fund: 711 - SELF INSURANCE	5,140.85
<b>Total</b>	<b>1,548,573.33</b>



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

**CITY OF SAN BRUNO**  
**Portfolio Summary**  
**June 30, 2016**

Investments	CUSIP	Book Value / Purchase Price	Market Value	Interest Rate	Maturity Date	% of Portfolio
<b>Investment Pools</b>						
Local Agency Investment Fund		\$ 14,361,249.06	14,370,170.58	0.59%		26%
Glenview Fire Local Agency Investment Fund		3,055,526.21	3,057,424.37	0.59%		5%
San Mateo County Pool		19,334,657.80	19,393,821.85	1.19%		34%
<b>Total Investment Pools</b>		<b>36,751,433.07</b>	<b>36,821,416.81</b>			<b>66%</b>
<b>Union Bank Investments</b>						
Federal Home Loan Mortgage Corp	3134G6ZX4	1,000,000.00	1,005,670.00	0.85%	August 25, 2017	2%
Federal Home Loan Bank Notes	3130A5HT9	1,000,000.00	1,002,020.00	0.75%	August 28, 2017	2%
Federal Home Loan Mortgage Corp	3134G5AU9	2,000,000.00	2,014,600.00	1.19%	December 26, 2017	4%
Federal Home Loan Bank	3130A5SW0	1,000,000.00	1,000,430.00	1.05%	January 22, 2018	2%
Federal Home Loan Mortgage Corp	3134G7FK2	1,000,000.00	1,006,050.00	1.10%	March 23, 2018	2%
Federal Home Loan Banks	3130A7H73	1,000,000.00	1,001,840.00	1.10%	March 29, 2018	2%
Federal Home Loan Bank	3130A5SP5	1,000,000.00	1,000,640.00	1.25%	July 20, 2018	2%
Federal Farm Credit Banks	3133EFD95	2,000,000.00	2,000,020.00	1.15%	November 23, 2018	4%
Federal Farm Credit Banks	3133EFBQ9	1,000,000.00	1,000,820.00	1.37%	March 1, 2019	2%
Federal Home Loan Mortgage Corp	3134G8RK7	1,000,000.00	1,000,670.00	1.00%	March 29, 2019	2%
Federal Farm Credit Banks	3133EF4C8	2,000,000.00	2,003,280.00	1.19%	April 25, 2019	4%
Cal State Federal Taxable	13063CKL3	2,015,100.00	2,063,100.00	2.22%	May 1, 2019	4%
U.S. Government Money Market	26200630S	3,316,395.52	3,316,395.52	0.01%	N/A	6%
<b>Total Union Bank Investments</b>		<b>19,331,495.52</b>	<b>19,415,535.52</b>			<b>34%</b>
<b>TOTAL INVESTMENTS</b>		<b>\$ 56,082,928.59</b>	<b>\$ 56,236,952.33</b>			<b>100%</b>

7.c.

8/17/2016

City of San Bruno  
Through June 2016

Through period: 13

	Cash	Investments	Fund Total
001 GENERAL FUND	2,937,411.40	53,809.37	2,991,220.77
002 GENERAL FUND RESERVE	9,074,064.14	0.00	9,074,064.14
003 ONE-TIME REVENUE	1,099,287.15	0.00	1,099,287.15
004 NEW CAP IMPROV/ONE-TIME INITIATIVE RSRV	7,007,167.78	0.00	7,007,167.78
101 GAS TAX	28,042.09	0.00	28,042.09
102 MEASURE A TRANSPORTATION TAX	200,396.52	0.00	200,396.52
103 STREET SPECIAL REVENUE	312,921.09	0.00	312,921.09
104 TRAFFIC CONGESTION RELIEF	0.00	0.00	0.00
111 POLICE ASSET FORFEITURE	123,945.33	0.00	123,945.33
112 SAFETY AUGMENT. -PROP.172	0.00	0.00	0.00
113 POLICE SPECIAL REVENUE	41,082.02	0.00	41,082.02
114 TRAFFIC SAFETY GRANT	62,258.57	0.00	62,258.57
121 FEDERAL/STATE GRANTS	40,873.40	0.00	40,873.40
122 SOLID WASTE/RECYCL.	260,226.84	0.00	260,226.84
123 LIBRARY SPECIAL REVENUE	164,450.93	0.00	164,450.93
131 IN-LIEU FEES	3,528,501.27	0.00	3,528,501.27
132 AGENCY ON AGING	21,043.68	0.00	21,043.68
133 RESTRICTED DONATIONS	1,098,723.49	0.00	1,098,723.49
134 ED JOHNSON BEQUEST FUND	26,218.68	0.00	26,218.68
135 GLENVIEW FIRE DONATIONS	0.00	0.00	0.00
136 EMERGENCY DISASTER RESERVE	3,055,526.21	0.00	3,055,526.21
151 SUCCESSOR AGENCY TO THE SB RDA - OPS	0.00	0.00	0.00
152 CITY OF SB AS SUCCESSOR HOUSING AGENC`	411,129.00	0.00	411,129.00
153 RDA OBLIGATION RETIREMENT FUND	876,435.26	650,333.61	1,526,768.87
190 DISASTER RECOVERY FUND	(2,812,408.86)	0.00	(2,812,408.86)
201 PARKS AND FACILITIES CAPITAL	2,532,010.08	0.00	2,532,010.08
203 STREET IMPROVE. PROJECTS	3,505,046.17	0.00	3,505,046.17
207 TECHNOLOGY CAPITAL	257,966.38	0.00	257,966.38
251 SUCCESSOR AGENCY TO THE SB RDA - CAPIT/	0.00	0.00	0.00
302 LEASE DEBT SERVICE	(1,693.03)	16.20	(1,676.83)
351 SUCCESSOR AGENCY TO THE SB RDA -2000 C/	0.00	0.00	0.00
611 WATER FUND	9,550,132.28	0.00	9,550,132.28
621 STORMWATER FUND	1,653,718.17	0.00	1,653,718.17
631 WASTEWATER FUND	10,932,649.41	403,693.75	11,336,343.16
641 CABLE TV FUND	(7,327,777.46)	200.00	(7,327,577.46)
701 CENTRAL GARAGE	619,156.61	0.00	619,156.61
702 FACILITY MAINT.FUND	716,249.10	0.00	716,249.10
703 GENERAL EQUIPMENT REVOLVING	5,490,522.82	0.00	5,490,522.82
707 TECHNOLOGY DEVELOPMENT	255,078.22	0.00	255,078.22
711 SELF INSURANCE	2,634,446.20	91,118.50	2,725,564.70
870 SAN BRUNO COMMUNITY FOUNDATION	0.00	0.00	0.00
880 PROJECT DEVELOP. TRUST	91,305.14	0.00	91,305.14
891 S.B. GARBAGE CO. TRUST	407,477.54	0.00	407,477.54
<b>Grand Total:</b>	<b>58,873,583.62 *</b>	<b>1,199,171.43</b>	<b>60,072,755.05</b>

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

Investment Portfolio Value	\$56,082,928.59
Cash on hand - Checking Account	3,111,940.22
Payroll and Accounts Payable Outstanding Checks	(636,865.61)
Deposits in Transit	315,580.42
General Ledger Cash Balance as of June 30, 2016	\$58,873,583.62

Totals are through period: 13

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City Council Agenda Item  
Staff Report

CITY OF SAN BRUNO

**DATE:** August 23, 2016

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

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

**SUBJECT:** Adopt Resolution Accepting the Tank No. 3 (Glenview) Replacement Project as Complete, Authorizing the Filing of a Notice of Completion with the San Mateo County Recorder's Office, and Authorizing Release of the Construction Contract Retention in the Amount of \$222,483

**BACKGROUND:**

Tank No. 3 (Glenview) is one of seven potable water storage tank sites maintained and operated by the City to distribute drinking water and store water for fire suppression purposes. With a storage capacity of 2.0 million gallons, it is the second largest tank in the City's water distribution system. The area served by the Glenview tank is generally bounded by Sneath Lane, I-280, San Bruno Avenue and Skyline Boulevard. The previous water tank was over 60 years old, had reached the end of its useful life and due to its deteriorated condition could only utilize 50% of its total 2.0 million gallon capacity.

On September 23, 2014, the City Council awarded a construction contract for replacement of the Glenview Water Tank to West Bay Builders (since renamed Thompson Builders) in the amount of \$4,588,350 with a construction contingency of \$459,000. The scope of the project generally included demolition of the old tank, construction of the new water storage tank and appurtenance piping, electrical and instrumentation work, and grading and site improvements. A site-specific geotechnical study was performed to investigate earthquake fault rupture and determine geotechnical recommendations for construction.

The new tank is in the same footprint and has the same volume as the previous tank. It is constructed of cast-in-place pre-stressed concrete but is structurally upgraded to meet current seismic design standards. The tank is located in a residential neighborhood at 760 Glenview Drive between San Bruno Avenue and Ridgeway Avenue. Because the tank site is in the San Andreas earthquake fault zone, additional safety measures were incorporated in the tank replacement project as preventative measures including an automatic emergency shutoff valve, building an on-site diversion berm to direct any large water flows away from residences onto Glenview Drive and replacing native soils under the tank foundation with engineered fill and geo-grid reinforcement to resist any earthquake induced subsurface fault ruptures.

**DISCUSSION:**

The existing Glenview Water Tank performs a critical function by providing storage capacity to meet peak flow and fire flow demands in the Crestmoor neighborhoods. In 2010, a

*J.d.*

project to construct seismic improvements to retrofit the Glenview Water Tank was advertised for construction bids. The lowest bid of \$2,237,000 exceeded the available CIP project budget of \$1,300,000. Tank contractors informed the City that replacement of the existing tank with a new concrete tank would be more feasible and cost effective than retrofitting the old tank. As a result, and at staff's recommendation, the City Council rejected all bids on January 11, 2011 and directed staff to proceed with the replacement project.

During construction, water flow was bypassed around the tank with no impact or service disruption to residents. However, taking the tank off-line required other water facilities to function as the primary conveyance system. The water pump station located at Sneath Lane and Engvall Road was primarily used to convey water uphill. Since the station didn't have an on-site permanent generator, staff rented a backup power generator for the duration of the tank construction in case there were any electrical power failures.

During construction, the contractor encountered unforeseen design and construction issues which were addressed through change orders. Nine (9) contract change orders were issued in the deductive amount of (\$138,691) with a final contract amount of \$4,449,659. The main change order items consisted of eliminating the bid alternate for additional tank foundation volume, adding a gravity tank drain line, and additional electrical and instrumentation work to coordinate with the City's separate SCADA installation contract. Other change order items included adding a liquid level indicator, providing missing items from City-supplied guard railing, adding an additional vehicle entry gate on the ornamental fencing, adding additional coverage of anti-graffiti coating on the tank, and removal of several small trees.

West Bay Builders has completed the project within budget. Additional contract days were added to the project to account for lead times to procure materials for the fencing, anti-graffiti coating and the tank drain piping. The coordination of electrical and instrumentation construction required additional time which also contributed to delays. There are no unresolved stop notices or outstanding construction claims for this project. The construction contract required a 5% retention, which totals \$222,483, withheld in an escrow account. Staff recommends that the City Council accept the construction project as complete, authorize filing the Notice of Completion with the San Mateo County Recorder's Office, and approve release of the contract retention.

#### **FISCAL IMPACT:**

The Tank No. 3 (Glenview) Replacement Project is an established Capital Improvement Program (CIP) project funded through Water Enterprise funds. Funding in the amount of \$5,890,000 was allocated in the 2014-19 CIP budget. As detailed below, the total expenditure of the project is approximately \$5,290,000. The remaining budget of approximately \$600,000 will be reprogrammed in the Water Enterprise Fund.

	<u>Expenditure</u>
Prior Project Expenses – prior to bid rejection	\$ 106,705
Design Contracts – West Yost Associates, Simon Wong, Fugro and Engeo	\$ 183,513
Additional Design Services – potholing, Lead paint testing, peer review	\$ 10,309
City Staff Time Design Phase	\$ 29,514
Additional geotechnical work – bid support and Construction observations	\$ 15,381
Final Construction Contract- West Bay Builders	\$ 4,449,659
Construction Inspection/Management- Vali Cooper & Associates	\$ 183,809
Design Support during Construction- West Yost Associates	\$ 95,277
Permits (State Water Resources)	\$ 916
Electrical Generator Rental	\$ 103,046
Reproduction and Advertisement	\$ 1,783
City Staff- Project Management	<u>\$ 108,280</u>
Project Total	\$ 5,287,692

## ALTERNATIVES

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

## RECOMMENDATION

Adopt resolution accepting the Tank No. 3 (Glenview) Replacement Project as complete, authorizing the filing of a Notice of Completion with the San Mateo County Recorder's Office, and authorizing release of the construction contract retention in the amount of \$222,483.

## DISTRIBUTION:

None

**ATTACHMENTS:**

1. Resolution
2. Project Acceptance Information Form
3. Photos of Existing and New Water Tank
4. 2014-19 CIP Budget Sheet

**DATE PREPARED:**

August 15, 2016

**REVIEWED BY:**

\_\_\_\_\_ CM  
\_\_\_\_\_ ACM  
\_\_\_\_\_ FIN

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

**RESOLUTION ACCEPTING THE TANK NO. 3 (GLENVIEW) REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING THE FILING OF A NOTICE OF COMPLETION WITH THE SAN MATEO COUNTY RECORDER'S OFFICE, AND AUTHORIZING RELEASE OF THE CONSTRUCTION CONTRACT RETENTION IN THE AMOUNT OF \$222,483**

**WHEREAS**, Tank No. 3 (Glenview) is one of the City's seven potable water storage tanks and is located in a residential neighborhood at 760 Glenview Drive in the western part of the City; and

**WHEREAS**, the City's FY 2014-19 Capital Improvement Program (CIP) included a Water Tank Improvement and Replacement Program to replace Tank No. 3 (Glenview) that has been in service for over 60 years and in need of replacement; and

**WHEREAS**, on September 23, 2014, the City Council awarded the construction contract for Tank No. 3 (Glenview) Project to West Bay Builders in the amount of \$4,588,350 with a construction contingency of \$459,000; and

**WHEREAS**, nine (9) contract change orders were issued in the deductive amount of (\$138,691) to address unforeseen design and construction issues with a final construction contract amount of \$4,449,659; and

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

**WHEREAS**, the construction contract requires the filing of a Notice of Completion of this project with the San Mateo County Recorder's Office and release of the construction contract retention in the amount of \$222,483 upon the acceptance of the project as complete.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby accepts the Tank No. 3 (Glenview) Replacement Project, as complete, authorizes the filing of a Notice of Completion with the San Mateo County Recorder's Office, and authorizes release of the construction contract retention in the amount of \$222,483.

Dated: August 23, 2016

ATTEST:

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Carol Bonner, City Clerk

-o0o-

I, Carol Bonner, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 23rd day of August 2016 by the following vote:

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

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

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



Capital Improvement Program

Project Acceptance Information Form

As of August 12, 2016

Contract Name:	Tank No. 3 (Glenview) Replacement Project	Contract No.:	84142
Project Manager:	Will Anderson		
Design Consultant:	West Yost and Associates		
Construction Contractor:	West Bay Builders, Inc.		
Construction Inspection Services:	Vali Cooper & Associates		

Project Information:

Project Description:	This project demolished the existing Tank No. 3 at 760 Glenview Drive and constructed a completely new 2.0 million gallon pre-stressed concrete water storage tank with seismic upgrades and preventative safety measures such as an emergency shutoff valve and an on-site diversion berm.
Construction Contract Award:	September 23, 2014
Start of Construction:	November 10, 2014
Contract Change Orders (CCO):	Nine (9) - During construction, unforeseen constructability issues and site conditions were encountered. As a result, nine (9) Contract Change Orders were issued to address these issues.
Substantial Completion:	June 17, 2016
Final Completion:	August 12, 2016
Notice of Completion:	Scheduled for filing on August 29, 2016

**Project Costs:**

	<b>Budget</b>	<b>Actual</b>
<b>TOTAL PROJECT</b>	<b>\$ 5,890,000</b>	<b>\$ 5,287,692</b>
Prior Expenses (project costs prior to bid rejection)	\$ 175,393	\$ 106,705
Design Consultant Contracts (includes City project management)	\$ 219,488	\$ 223,336
Additional Geotechnical (bid support and construction observation)	\$ 0	\$ 15,381
Construction Contract	\$ 4,588,350	\$ 4,449,659
Contingency	\$ 459,000	-
Change Orders	\$ -	\$ (138,691)
Construction Inspection Services	\$ 183,809	\$ 183,809
Permits (State Water Resources)	\$ 0	\$ 916
Design Support during Construction	\$ 113,960	\$ 95,277
Reproduction & Advertisement	\$ 0	\$ 1,783
Temporary Electrical Backup Generator Rental	\$ 0	\$ 103,046
City Staff – Project Management during construction	\$ 150,000	\$ 108,280



Old Tank



New Tank

## Water Tank Improvement and Replacement Program

### PROJECT INFORMATION

Origination Year: 2004-05

Project Number: 84131 / 84142 / 85100

Projected Completion Date: On-going Program

Total Project Cost: \$ 14,819,051

### **Project Description:**

The City operates eight water tanks as part of its water distribution system. This project funds tank replacement, seismic retrofits, and other significant modifications to the existing water tanks. Most recently, new exterior ladders and tank mixers were installed at all tanks. The current work effort is focused on Tank No. 1 Cunningham and Tank No. 3 Glenview. The updated Water System Master Plan guides future tank modifications, rehabilitations, and replacement efforts based on the needs of the system.

Due to its deteriorated condition, Tank No. 3 Glenview can utilize only 50% of its total 2 million gallon capacity, and is the City's highest water system priority. Complete replacement or comprehensive rehabilitation will be required to address the capacity deficiency. Analysis of rehabilitation options have determined that the most cost effective solution is a complete replacement of Tank No. 3.

Tank No. 1 Cunningham receives water from SFPUC from an 8-inch pipe connection and discharges water into the distribution system through a 16-inch pipe connection. Due to seismic issues, the tank can only be safely filled to a water height of 22 feet, short of its 32-foot maximum. Tank No. 1 Cunningham provides water service to pressure Zone 1/4, which is the largest of the 11 pressure zones within the City and generally covers the eastern quarter of the City. The existing seismic deficiencies include rigid inlet/outlet pipe connections, and insufficient shell strength and roof structure that are incapable of withstanding seismic loads and wave action resulting from seismic sway. These deficiencies must be corrected by either retrofit or complete replacement of the tank to utilize its full 2.5 million gallon capacity.

Future costs reflect the level of investment required to rehabilitate and/or replace water tanks to continue operation of a reliable water distribution system. These include recoating and seismic upgrade of Tank No. 4 Princeton, Tanks No. 6 and 6A Lake, Tank No. 7 Sweeney, and Tanks No. 9 and 10 Pacific Heights. These tanks cannot currently be filled completely since, during a seismic event, the wave action would drastically damage the tank roof. To have the full capacity utilized, new seismically reinforced roofs need to be constructed.

A project funding increase request of \$3,400,000 for 2014-15 addresses seismic and geotechnical issues at the Tank No. 3 Glenview project site based on recommendations in the Fault Trace Study. With the site's proximity to the San Andreas Fault, safety measures will be incorporated including replacing the soils directly beneath the tank to a 10-foot depth with engineered fill and geogrid reinforcement and constructing an earthen diversion berm and installing an automatic emergency shutoff valve. Also, the design of the tank foundation increased from a 6-inch concrete slab to 30-inches with additional steel reinforcement to comply with the code criteria for seismic design.

Tank No. 1 Cunningham funding is for project design. Once the design has been completed and a reliable construction cost estimate is available, a project funding increase will be presented to City Council for consideration. The Tank No. 1 Cunningham project site also has seismic and geotechnical issues that may impact project construction costs.

**2013-14 Status:**

Continued design of Tank No. 3 Glenview and awarded design contract for Tank No. 1 Cunningham in July 2013.

**2014-15 Work Plan:**

Complete design and award construction contract for Tank No. 3 Glenview. Complete design and award construction contract for Tank No. 1 Cunningham.

**Project Appropriations:**

**Current Year Appropriations:**

Projects	Funding Source	Prior Approp.	Prior Expense	Carryover Approp.	2014-15 Funding Request	2014-15 Total Funds Available	Total Project Cost
Tank Mod. & Impr. (84131)	Water Capital	1,706,615	(797,083)	909,532	0	909,532	5,656,615
Tank No. 1 Retro/ Repl. (85100)	Water Capital	272,436	(135,726)	136,710	0	136,710	3,272,436
Tank No. 3 Repl. (84142)	Water Capital	2,490,000	(373,233)	2,116,767	3,400,000	5,516,767	5,890,000
<b>Total</b>		<b>4,469,051</b>	<b>(1,306,042)</b>	<b>3,163,009</b>	<b>3,400,000</b>	<b>6,563,009</b>	<b>14,819,051</b>

**Five-Year Work Program Appropriations:**

Projects	Funding Source	2014-15	2015-16	2016-17	2017-18	2018-19	Total Request
Tank Modification (84131)	Water Capital	0	950,000	1,000,000	1,000,000	1,000,000	3,950,000
Tank No. 1 Retrofit/Replace (85100)	Water Capital	0	3,000,000	0	0	0	3,000,000
Tank No. 3 Repl. (84142)	Water Capital	3,400,000	0	0	0	0	3,400,000
<b>Total</b>		<b>3,400,000</b>	<b>3,950,000</b>	<b>1,000,000</b>	<b>1,000,000</b>	<b>1,000,000</b>	<b>10,350,000</b>

**Council Action Advised by July 31, 2016**

June 10, 2016

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference – October 5 – 7, Long Beach**

The League's 2016 Annual Conference is scheduled for October 5 – 7 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for noon on Friday, October 7, at the Long Beach Convention Center: At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 23, 2016. This will allow us time to establish voting delegate/alternate records prior to the conference.**

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one voter must be present at the

## Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 5, 8:00 a.m. – 6:00 p.m.; Thursday, October 6, 7:00 a.m. – 4:00 p.m.; and Friday, October 7, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, September 23. If you have questions, please call Kayla Gibson at (916) 658-8247.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



CITY: \_\_\_\_\_

2016 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, September 23, 2016. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

2. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

3. VOTING DELEGATE - ALTERNATE

Name: \_\_\_\_\_

Title: \_\_\_\_\_

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_ E-mail \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_ Phone: \_\_\_\_\_  
(circle one) (signature)

Date: \_\_\_\_\_

Please complete and return by Friday, September 23, 2016

League of California Cities  
ATTN: Kayla Gibson  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

FAX: (916) 658-8240  
E-mail: kgibson@cacities.org  
(916) 658-8247



City Council Agenda Item  
Staff Report

CITY OF SAN BRUNO

**DATE:** August 23, 2016  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Jim Burch, Public Services Deputy Director, Utilities and Operations  
**SUBJECT:** Adopt Resolution Approving Expenditure of \$95,133 to Complete the Residual Control System and Tank Mixer Water Equipment Purchase and Authorizing an Additional Appropriation of \$62,133 from the Water Fund

**BACKGROUND:**

On September 22, 2015, the City Council authorized purchase and installation of three automated water tank residual control system units and two water tank mixers from PAX Water Technologies in the amount of \$181,000. This system is designed to automatically introduce and regulate the necessary disinfectant chemicals into the tanks, ensuring clean water quality for the residents of the City.

The total budget for the equipment purchase in FY 2015-16 was \$214,000. After the installation of the equipment was underway, it was discovered that additional equipment would be needed to fully complete the installation, including specialized storage shelters to protect the electronic panels, chemical holding tanks capable of storing the chemicals required for the tanks, as well as installation of magnets that would avoid tack welding along the exterior sides of the tanks. PAX was able to supply this additional equipment while the job was ongoing to avoid disruption of the project timetable and any impact on the residents. This additional equipment has now been installed and is operating as specified at all of the tank locations. The total cost of the equipment as installed is \$276,133.

**DISCUSSION:**

City Council action is now required to close out the project. In addition to the \$33,000 remaining in the 2015-16 Operating Budget, a further appropriation of \$62,133 is necessary. Staff has confirmed that all additional equipment ordered was necessary and priced according to written proposals received from PAX prior to installation of the equipment.

**FISCAL IMPACT:**

There will be an additional appropriation of \$62,133 from the 2015-16 water fund.

**ALTERNATIVES:**

1. Request additional information before authorizing the additional expenditures;
2. Do not approve the additional expenditures.

7.6.

**RECOMMENDATION:**

Adopt resolution approving expenditure of \$95,133 to complete the residual control system and tank mixer water equipment purchase and authorizing an additional appropriation of \$62,133 from the water fund.

**ATTACHMENTS:**

1. Resolution
2. Staff report dated September 22, 2015

**DISTRIBUTION:**

None.

**REVIEWED BY:**

\_\_\_\_\_ CM

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

**RESOLUTION APPROVING EXPENDITURE OF \$95,133 TO COMPLETE THE RESIDUAL CONTROL SYSTEM AND TANK MIXER WATER EQUIPMENT PURCHASE AND AUTHORIZING AN ADDITIONAL APPROPRIATION OF \$62,133 FROM THE WATER FUND**

**WHEREAS**, on September 22, 2015, the City Council authorized purchase and installation of three automated water tank residual control systems and two water tank mixers from Pax Water Technologies for a total cost of \$181,000; and

**WHEREAS**, the total budget for the equipment purchase was \$214,000, and while the installation was underway, it was discovered that additional equipment would be needed to fully complete the installation;

**WHEREAS**, PAX was able to supply this additional equipment while the job was ongoing to avoid disruption of the project timetable and any impact on the residents;

**WHEREAS**, the additional equipment was priced according to written proposals received from PAX prior to installation of the equipment, and the equipment is operating as specified at all tank locations; and

**WHEREAS**, the total cost of the project as installed is \$276,132,68;

**WHEREAS**, in addition to the \$33,000 remaining in the 2015-16 Operating Budget, a further appropriation of \$62,133 is necessary to close out the project;

**NOW, THEREFORE, BE IT RESOLVED** by the San Bruno City Council that an expenditure of \$95,133 is authorized to complete the equipment purchase, with the additional appropriation of \$62,133 from the water fund.

Dated: August 23, 2016

ATTEST:

---

Carol Bonner, City Clerk

I, Carol Bonner, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 23rd day of August 2016 by the following vote:

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

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

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



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

**DATE:** September 22, 2015

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

**FROM:** Jim Burch, Public Services Deputy Director, Utilities and Operations

**SUBJECT:** Adopt Resolution Authorizing the City Manager to Purchase Three Automated Water Tank Residual Control System Units and Two Water Tank Mixers from PAX Water Technologies in the Total Amount of \$181,000

### **BACKGROUND:**

Water Division staff perform weekly chlorine tests at all seven storage tanks to make sure chlorine residuals meet our water quality standards. Chlorine residual is the amount of chlorine left over after all disease-causing organisms are absent from the drinking water. The Water Division chlorine residual target is around 2.4 parts per million (ppm), matching the San Francisco Public Utility Commission's (SFPUC) target level. In 2012, to help achieve the 2.4 ppm target, the Water Division added seven mixers to the City's storage tanks. Mixers continually stir water to maintain consistent chlorine residual levels in the tank. Tank water mixers, along with a Residual Control System (RCS) that automatically tests and adds chlorine, will achieve the 2.4 ppm residual target in all tanks throughout the City's distribution system.

In 2013, the Water Division began testing an automated Residual Control System (RCS) at the Sweeney Ridge water tank to compare efficiencies and measure the effects of chlorine residual levels. Along with continuously testing tank water and automatically adding chemicals as needed, a Residual Control System (RCS) unit also wirelessly transmits real-time water quality monitoring data to staff.

Benefits of the system were noticed almost immediately, but it was left in place for over a year to measure long-term results. At the end of 2014, the demonstration showed the RCS unit maintained a continuous 2.4 ppm residual target level. Prior to installing the RCS unit, chlorine levels in the tank averaged around 1.5 ppm. If chlorine residual levels fall below 1.4 ppm, tank water is flushed and refilled with fresh moving water.

Another benefit of RCS units and tank mixers is more water can be stored in each tank with less need to cycle out the water, as these systems maintain chlorine residuals at target levels.

### **DISCUSSION:**

RCS units and tank mixers have been added to major rehabilitation projects, including the nearly completed two million gallon Skyline tank. However, there are several tanks and wells not scheduled for major upgrades in the near future including a one million gallon tank on San Bruno Avenue, two 500,000 gallon tanks at College Drive, and the Corporation Yard well.

Two RCS units and two tank mixers were included in the 2015-16 Operating Budget. Water Division staff was able to negotiate a reduced bulk price for an additional RCS unit at College Drive's second tank as well as a lower price for the two mixers. After acquisition, all facilities will have automated water testing and treatment equipment. The manufacturer provides a four month maintenance and three year parts warranty.

**FISCAL IMPACT:**

The 2015-16 Equipment Budget allocated \$214,000 for Water Division new equipment acquisitions. The cost of two RCS units for two 500,000 gallon tanks is \$52,000 each, and the cost of a third unit for a one million gallon tank is \$55,000, for a total amount of \$159,000. The revised cost for two water tank mixers at the Corporation Yard well is \$22,000, originally budgeted at \$74,000. The total combined equipment purchase cost of \$181,000 is within the adopted budget allocation of \$214,000 funded by the Water Enterprise Fund.

This is a sole source purchase as RCS units and tank mixers are a proprietary technology and such equipment must be compatible with existing PAX Water Technologies systems servicing San Bruno's water treatment facilities. PAX Water Technologies of Richmond, California, is an international water treatment equipment manufacturer.

**ALTERNATIVES:**

1. Do not approve purchase of one or more of these equipment items at this time and delay installation for a future facility rehabilitation.

**RECOMMENDATION:**

Adopt resolution authorizing the City Manager to purchase three automated water tank Residual Control System units and two water tank mixers from PAX Water Technologies in the total amount of \$181,000.

**ATTACHMENTS:**

1. Resolution
2. Approved 2015-16 Operating Budget New Equipment Acquisition Description

**DISTRIBUTION:**

None.

**REVIEWED BY:**

\_\_\_\_\_ CM

RESOLUTION NO. 2015- \_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE  
THREE AUTOMATED WATER TANK RESIDUAL CONTROL SYSTEM UNITS  
AND TWO WATER TANK MIXERS FROM PAX WATER TECHNOLOGIES IN THE  
TOTAL AMOUNT OF \$181,000**

**WHEREAS**, the City of San Bruno Water Division desires to purchase three automated Residual Control System units, one for the San Bruno Avenue water tank and one for each of the two College water tanks; and

**WHEREAS**, the City of San Bruno Water Division desires to purchase two tank mixers for the Corporation Yard well; and

**WHEREAS**, Residual Control System units set and maintain a constant level of disinfectant chemicals, including chlorine and ammonia, in a water holding tank through automatic testing and injecting chemicals when needed; and

**WHEREAS**, water tank mixers continually stir water to maintain consistent chlorine residual levels, which is the amount of chlorine left over after all disease-causing organisms are absent from the drinking water; and

**WHEREAS**, authorization for two water tank Residual Control System units and two water tank mixers were included in the adopted FY 2015-16 New Equipment Acquisition Operating Budget; and

**WHEREAS**, with the addition of this third Residual Control System unit all facilities with standing water tanks will have a Residual Control System unit; and

**WHEREAS**, the 2015-16 Operating Budget allocated total funding of \$214,000 for new equipment acquisition, with \$140,000 for Residual Control System units and \$74,000 for tank mixers; and

**WHEREAS**, with savings from a reduced water tank mixer cost, along with a price discount from PAX Water Technologies for an additional Residual Control System unit, the \$159,000 amount for the three Residual Control System units along with \$22,000 for two water tank mixers for a total cost of \$181,000 is within the \$214,000 approved budget allocation for new water facility operating equipment; and

**WHEREAS**, this is a sole source purchase as Residual Control System units and tank mixers are proprietary technology such equipment must be compatible with existing PAX Water Technologies systems servicing San Bruno's water treatment facilities; and

**WHEREAS**, PAX Water Technologies of Richmond, California, is a professional potable water system and storage tank provider with extensive experience providing services for water utility districts throughout the world.

**NOW, THEREFORE, BE IT RESOLVED** by the San Bruno City Council that the City Manager is authorized to purchase three automated water tank Residual Control System units and two water tank mixers from PAX Water Technologies, in the total amount of \$181,000.

Dated: September 22, 2015

ATTEST:

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

I, Carol Bonner, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 22nd day of September 2015 by the following vote:

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

## 2015-16 New Additions Acquisition Description

### Water

Residual Control System – 2 units (611-6170-8014) \$140,000

Residual Control System (RCS) units will be added to two water tanks, one at Tank No. 4 San Bruno Avenue and the other at Tank No. 9/10 College, and is part of the City's water conservation efforts. These units automatically maintain chlorine and other water purification chemical levels. If tank water chemistry is not maintained at consistent levels the entire tank may need to be emptied and refilled. These automated units will minimize complete tank flushing and conserve water. Installation of Residual Control System units are incorporated into rehabilitation or new construction, however these two tanks are not scheduled for rehabilitation during the next five years. The estimated cost is \$70,000 for each RCS unit, including installation and testing.

Tank mixers – 2 units (611-6170-8014) \$74,000

Two tank mixers will be added to Well 17 at the Corporation Yard to maintain proper chlorine balance and is part of the City's water conservation efforts. Tank mixers maintain chlorine consistency throughout the 90,000 gallon water holding tank. Currently the holding tank has no mixers and the tank must be periodically flushed out and refilled. These mixers will minimize complete tank flushing and conserve water. The estimated cost is \$37,000 for each mixer, including installation and testing.

### Parks

Top Dresser (703-1560-8014) \$12,500

The top dresser is a trailer attachment to top dress turf areas and athletic fields. This will revitalize the health of the turf and ensure safety for users. Adding a new thin layer of fresh soil to the turf will provide a much more even playing surface and add the necessary nutrients to the turfs root system. Aside from its aesthetic purposes, top-dressing helps maintain a safe playing environment and will be used to address and fill field divots and holes caused by gophers. In recent years, the Parks Division rents a top dresser to take care of these issues. The rental cost for use of the machine is approximately \$1,600 per week. When renting a unit, staff is confined to the timeframe allowed to complete as much work as possible. Only two fields can be completed during this time. In addition to top dressing via the rental unit, the Parks Division surveys the fields regularly and fills divots and holes manually with soil as necessary to assure a safe playing environment. With the purchase of a top dresser, staff can schedule the work more precisely to fit seasonal and daily maintenance schedules as well as provide assurance that a thorough job is performed on all necessary turf areas. This service is a necessity to providing a safe and sustainable playing field with the high level of field use by athletics and park users.



Jim Ruane  
Mayor

August 23, 2016

The Honorable Jerry Brown, Governor  
State of California  
State Capitol, Room 1173  
Sacramento, CA 95814

RE: **SUPPORT** for Senate Bill 1298 (Hertzberg)

Dear Governor Brown:

On behalf of the San Bruno City Council, I am writing to express the City's support of Senate Bill 1298 (SB 1298) and our request that you sign this bill. This bill would revise definitions for the purposes of implementing Articles XIII C and XIII D of the California Constitution, clarifying that sewer service includes the collection and disposal of stormwater, making it less cumbersome to generate local funding, pursuant to the requirements of the California Constitution, to manage stormwater. The current requirement for voter approval of new or increased stormwater fees is contrary to what is required for other essential utilities (including water, sewer, and refuse collection) and must be clarified to enable municipalities to effectively manage stormwater as a resource during California's historic drought, control flood flows in a changing climate, and eliminate pollution impairing our waterways.

San Bruno is required to comply with costly State and Federal mandates to address pollution in urban runoff. In San Mateo County, estimated annual costs to meet the requirements of the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Stormwater Permit exceed \$35 million. Currently, there is approximately \$10 million of dedicated stormwater revenue in San Mateo County. San Bruno has just under \$600,000 of dedicated annual stormwater revenue, with anticipated annual costs of over \$1.4 million for compliance and over \$16 million in unfunded long-term stormwater capital improvement costs to help support compliance. If San Bruno is not able to generate sufficient revenue to meet permit obligations, it risks substantial fines and penalties, in addition to the negative environmental impacts of not meeting water quality mandates.

7.9.

San Bruno **SUPPORTS** SB 1298 and appreciates your favorable consideration of this legislation as we work diligently to meet stormwater permit requirements in San Mateo County. Please feel free to contact City Manager, Connie Jackson, at (650) 616-7056 or via email at [cjackson@sanbruno.ca.gov](mailto:cjackson@sanbruno.ca.gov), with any questions or concerns.

Sincerely,

Jim Ruane  
Mayor

Cc: San Bruno City Council  
Senator Bob Hertzberg  
Assembly Member Kevin Mullin  
Assembly Member Richard Gordon  
Assembly Member Phil Ting  
Senator Jerry Hill



## Senate Bill 1298

# Sustainable Funding for Stormwater Projects

Amended in Assembly August 1, 2016

### **SUMMARY**

SB 1298 gives cities, counties, and local water agencies broader authority to finance local projects to clean up and reuse stormwater.

### **ISSUE**

Proposition 218, approved in 1996, was meant to improve transparency and accountability of local government fees. Some court interpretations of the law have constrained important tools we need to manage water supplies and address water pollution. Stormwater is a key source of local water supply and careful management is necessary to reduce pollution. These tools are needed now more than ever because California remains in a historic five-year drought.

Proposition 218 requires some local taxes and fees to be approved by voters, but specifically excludes charges for water, sewer, and refuse collection services. However, Proposition 218 does not define these terms, which has led to litigation. In 2002, an appellate court ruled that the meaning of sewer in Proposition 218 was “ambiguous.” The court proceeded to develop a new definition of sewer service that did not include stormwater, despite the longstanding practice of using sewer systems to carry off stormwater.

As a result, stormwater programs must meet a higher standard than other water and sewer services to raise capital, preventing many important projects from being built.

### **SB 1298 (HERTZBERG)**

This bill amends state law to clarify the statutory authority of cities, counties, and local water agencies to finance storm water projects within the strict requirements for transparency and accountability of Prop 218.

SB 1298 defines “sewer” to include storm drainage, conforming to an existing 25-year-old definition in the California Public Utilities Code and encourages the courts to adopt this definition. This clarification makes it clear that local governments may build projects needed to manage and reuse stormwater.



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** August 23, 2016  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Marc Zafferano, City Attorney  
**SUBJECT:** Hold Public Hearing, Waive First Reading, and Introduce Ordinance Amending Municipal Code Chapter 6.50 Changing the Hours of Sale and Use of Safe and Sane Fireworks

**BACKGROUND:**

At the July 12 City Council meeting, the City Council received a report from the Fire Chief and the Police Chief regarding fireworks activities and enforcement during the recent 4<sup>th</sup> of July holiday. The City Council requested that staff return with information regarding amendment of the ordinance with respect to the allowed times for sale and use of safe and sane fireworks.

Prior to 2005, the City had permitted the sale and use of safe and sane fireworks. On March 22, 2005, the City Council replaced the City's former regulations by adopting new Chapter 6.50, which established the following hours:

*Sale:* June 28 Noon to 9:00 p.m.  
June 29-July 4 9:00 a.m. to 9:00 p.m.

*Use:* June 28-July 3 Noon to 10:00 p.m.  
July 4 Noon to midnight

As adopted by the City Council, Chapter 6.50 also included a sunset clause by which the ordinance would expire on January 31, 2006.

On June 14, 2005, the City Council considered whether to submit to the voters a ballot measure (Measure G) that would amend Chapter 6.50 by removing the sunset clause and replacing it with the following language:

*"The City Council may amend this Chapter 6.50 to: (1) limit or expand the hours during which Safe and Sane fireworks may be used or sold, provided that in no event shall such hours commence prior to that allowed by state law or extend beyond July 4<sup>th</sup>; and (2) make minor or technical adjustments consistent with the purposes as set forth in the Safe and Sane Fireworks Initiative. Except as otherwise provided in the preceding sentence, this Chapter 6.50 may only be amended or repealed by vote of the voters of San Bruno."*

In the impartial analysis of Measure G, the City Attorney explained that the initiative would re-adopt Chapter 6.50 with some changes, including removing the expiration date and replacing it

with the paragraph above, so the ordinance would remain in effect unless repealed or amended by the voters. Other changes included minor grammatical changes to the text of the ordinance.

For reference, a copy of the full text of Measure G and the impartial analysis is attached as Attachment 1.

At the November 2005 election, the voters of the City adopted Measure G by a vote of 6,654 (65.32%) in favor, and 3,533 (34.68%) opposed. Since adoption of the Measure, no changes have been made to the ordinance by either the voters or the City Council.

On July 26, 2016, the City Council considered whether to change the hours of sale and use of safe and sane fireworks. After discussion, the City Council directed staff to return with an ordinance for introduction that would reduce the end times of sale and use by one hour.

**DISCUSSION:**

Per the text of the ordinance adopted by the voters, the City Council retains some discretion to adjust the times during which safe and sane fireworks may be sold or used, or to make "minor or technical adjustments consistent with the purposes as set forth in the... initiative". At the July 12 and July 26 City Council meetings, there was discussion about changing the end times for sale and use, and these modified times are shown below:

<i>Sale:</i> June 28	Noon to <del>9:00 p.m.</del> 8:00 p.m.
June 29-July 3	<del>9:00</del> 10:00 a.m. to <del>9:00 p.m.</del> 8:00 p.m.
July 4	10:00 a.m. to 7:00 p.m.
<i>Use:</i> June 28-July 3	Noon to <del>10:00 p.m.</del> 9:00 p.m.
July 4	Noon to <del>midnight</del> 11:00 p.m.

The Police Chief and Fire Chief support these adjustments. Discontinuing sales at 8:00 p.m. (and at 7:00 p.m. on the 4<sup>th</sup>) instead of 9:00 p.m. would ensure that loading and unloading of safe and sane fireworks for sale would not occur after dark, thus enhancing the safety of fireworks booth operators as well as the general public. Changing the hours of use would reduce the burden of late-night enforcement and help to reduce noise and other impacts to residents.

Staff has mailed notice to all of this year's authorized fireworks vendors informing them that this item will be on the agenda and inviting them to comment and/or appear at the public hearing.

**FISCAL IMPACT:**

None at this time.

**ALTERNATIVES:**

1. Direct staff to return with alternative hours of sale and use. This would necessitate returning at the next available meeting for introduction of the ordinance.
2. Direct staff to discontinue its efforts regarding this issue.

**RECOMMENDATION:**

Hold public hearing, waive first reading, and introduce ordinance amending Chapter 6.50 changing the hours of sale and use of Safe and Sane Fireworks.

**ATTACHMENTS:**

1. Full text and impartial analysis of Measure G from November 8, 2005 election
2. San Bruno Municipal Code Chapter 6.50 with amendments for introduction

**DATE PREPARED:**

August 16, 2016

**REVIEWED BY:**

\_\_\_\_\_ CM

**MEASURES SUBMITTED TO THE VOTERS STATE**

**PROPOSITION 76**  
**STATE SPENDING AND SCHOOL FUNDING LIMITS. INITIATIVE CONSTITUTIONAL AMENDMENT.**  
 Limits state spending to prior year's level plus three previous years' average revenue growth. Changes minimum school funding requirements (Proposition 98). Permits Governor, under specified circumstances, to reduce budget appropriations of Governor's choosing. Fiscal impact: State spending likely reduced relative to current law, due to additional spending limit and new powers granted to Governor. Reductions could apply to schools and shift costs to other local governments.

YES  NO

**MEASURES SUBMITTED TO THE VOTERS STATE**

**PROPOSITION 80**  
**ELECTRIC SERVICE PROVIDERS. REGULATION. INITIATIVE STATUTE.**  
 Subjects electric service providers to regulation by California Public Utilities Commission. Restricts electricity customers' ability to switch from private utilities to other providers. Requires all retail electric sellers to increase renewable energy resource procurement by 2010. Fiscal Impact: Potential annual administrative costs ranging from negligible to \$4 million, paid by fees. Unknown net impact on state and local costs and revenues from uncertain impact on electricity rates.

YES  NO

**MEASURES SUBMITTED TO THE VOTERS CITY**

**CITY OF SAN BRUNO**  
**MEASURE G**  
 "Shall the Safe & Sane Fireworks Ordinance - which allows the continued sale, use, or discharge of Safe & Sane Fireworks - be adopted?"

YES  NO

**MEASURES SUBMITTED TO THE VOTERS SCHOOL**

**SAN MATEO COUNTY**  
**COMMUNITY COLLEGE DISTRICT**  
**MEASURE A**  
 To prepare College of San Mateo, Cañada College, and Skyline College students for universities and high demand jobs: upgrade nursing, health career, science, computer, and biotechnology labs; improve accessibility for disabled students; make earthquake safety improvements; repair/modernize libraries, classrooms, and aging facilities; and other projects in the Bond Projects List, shall San Mateo County Community College District be authorized to issue \$468,000,000 in bonds at interest rates within legal limits and with oversight by a Citizens' Advisory Committee?

YES  NO

**PROPOSITION 77**  
**REDISTRICTING. INITIATIVE CONSTITUTIONAL AMENDMENT.**  
 Amends state Constitution's process for redistricting California's Senate, Assembly, Congressional and Board of Equalization districts. Requires three-member panel of retired judges selected by legislative leaders. Fiscal Impact: One-time state redistricting costs totaling no more than \$1.5 million and county costs in the range of \$1 million. Potential reduction in future costs, but net impact would depend on decisions by voters.

ARGUMENTS IN SUPPORT OF OR IN OPPOSITION TO THE PROPOSED LAWS ARE THE OPINIONS OF THE AUTHORS  
**CITY OF SAN BRUNO**

**MEASURE G**

“Shall the Safe & Sane Fireworks Ordinance – which allows the continued sale, use, or discharge of Safe & Sane Fireworks – be adopted?”

**FULL TEXT**

**INITIATIVE ADOPTING SAFE AND SANE FIREWORKS ORDINANCE**

The People of the City of San Bruno do ordain as follows:

**Section 1 Purpose and Findings**

A. The purpose of this Initiative is to readopt, with certain minor changes, Chapter 6.50 of the San Bruno Municipal Code, which permits the sale, use or discharge of certain fireworks in connection with the annual July 4<sup>th</sup> holiday;

B. State law prohibits the sale, use or discharge of “dangerous” fireworks absent a permit, but authorizes cities to permit the sale, use and discharge of “safe and sane” fireworks, as defined by state law;

C. The City of San Bruno has long permitted the sale, use or discharge of “safe and sane” fireworks. On March 22, 2005, the San Bruno City Council replaced the City’s prior regulations with Chapter 6.50;

D. By reaffirming the main provisions of Chapter 6.50, and establishing that those provisions generally cannot be amended without voter approval, this Initiative will accommodate the continued sale, use and discharge of “safe and sane” fireworks in a manner that protects the health, welfare and general well-being of the community.

**S 2 Municipal Code Amendments**

Chapter 6.50 of the City of San Bruno Municipal Code is hereby readopted and amended as shown below. Text to be added to Chapter 6.50 is indicated in *bold italics*, while text to be deleted is indicated in ~~strikeout~~. Text in standard type currently appears in Chapter 6.50 and is readopted by this Initiative.

**CHAPTER 6.50  
SAFE AND SANE FIREWORKS**

Sections:

- 6.50.010 Sale, use, ~~and~~ or discharge of “safe and sane” fireworks allowed.
- 6.50.020 Use ~~and~~ or discharge of “safe and sane” fireworks limited.
- 6.50.030 Supervision of minors.
- 6.50.040 Sale of “safe and sane” fireworks limited.
- 6.50.050 “Safe and sane” fireworks – permit required.
- 6.50.060 Rules and regulations pertaining to permits and temporary fireworks stands.
- 6.50.070 Violation—Penalties.
- 6.50.080 ~~Expiration~~ *Amendment or Repeal*
- 6.50.010 Sale, use, ~~and~~ or discharge of “safe and sane” fireworks allowed.

The sale, use, ~~and~~ or discharge of “safe and sane” fireworks, which shall have the meaning ascribed to it in Section 12529 of the California Health and Safety Code, is allowed in accordance with the permitting process and the time, manner and place limitations provided in this Chapter.

6. Use ~~and~~ or discharge of “safe and sane” fireworks limited.

A. It shall be unlawful to use or to discharge any “safe and sane” fireworks during “prohibited fireworks use hours.” “Prohibited fireworks use hours” are anytime other than from noon until 10:00 p.m. on June 28th through July 3rd and from noon until midnight on July 4th.

B. It shall be unlawful to possess “safe and sane” fireworks with intent to use or to discharge during “prohibited fireworks use hours,” as defined herein.

C. It shall be unlawful for any person to ignite, discharge, project or otherwise fire or use, any “safe and sane” fireworks, or permit the ignition, discharge or projection thereof, upon or over or onto the property of another within 10 feet of any residence, dwelling or other structure.

D. The use of “safe and sane” fireworks within the city shall be limited to private property, except as otherwise provided herein. No “safe and sane” fireworks shall be discharged on public, semi-public, or private open areas such as parking lots, vacant property, or in public streets or right of ways, absent written consent of the owner.

**6.50.030 Supervision of minors.**

It shall be unlawful for any person having the care, custody or control of a minor (under 18-years old) to permit such minor to possess, use, discharge, explode, fire or set off any “safe and sane” fireworks unless such minor does so under the direct supervision of an adult (18-years old or older) and only during the hours, days and locations permitted by this chapter.

**6.50.040 Sale of “safe and sane” fireworks limited.**

The sale of “safe and sane” fireworks shall be limited from noon until 9:00 p.m. on June 28th and from 9:00 a.m. until 9:00 p.m. on June 29th through July 4th. The provisions of this section shall not be applicable to public agencies or manufacturers or suppliers of fireworks for public display or storage. Organizations to which permits have been issued may accept delivery of “safe and sane” fireworks for stocking purposes no more than seventy-two (72) hours prior to the time allotted for “safe and sane” fireworks sales.

**6.50.050 “Safe and sane” fireworks -- Permit required.**

It shall be unlawful for any person or organization to possess for sale or to sell “safe and sane” fireworks within the city without having first applied for and received a city permit authorizing such sale.

**6.50.060 Rules and regulations pertaining to permits and temporary fireworks stands.**

The city council shall establish by resolution the rules and regulations pertaining to temporary fireworks stand. It shall be unlawful for any permittee to fail to comply with the rules and regulations pertaining to temporary fireworks stands.

**6.50.070 Violation - Penalties.**

A. Any person in violation of this chapter shall be subject to *the penalties and administrative fines established by the City Council pursuant to resolution. If the City Council has not adopted such a resolution prior to the effective date of the Safe and Sane Fireworks Initiative, the following penalties shall apply until the City Council does so:*

1. An administrative fine not exceeding one hundred dollars (\$100) for a first violation;
2. An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year;
3. An administrative fine not exceeding five hundred dollars (\$500) for a third violation within one year.

B. Every parent, guardian or other person having the legal care, custody or control of any person under the age of eighteen years, who knows or reasonably should know that a minor is in violation of this chapter

# CITY OF SAN BRUNO

may be issued an administrative fine in accordance with the provisions of this section.

C. Administrative fines shall be issued and processed in accordance with the provisions of San Bruno Municipal section 5.08.010 through 5.08.110.

D. In addition to the penalties *and fines* set forth above, a violation of any of the provisions of this chapter or any of the conditions imposed upon a permit issued hereunder shall subject the permittee to suspension or revocation of its permit and its permittee status, as provided by resolution of the city council in the rules and regulations pertaining to temporary fireworks stands.

Section 6.50.080 is hereby amended as follows:

### 6.50.080 *Amendment or Repeal*

~~This chapter shall remain in effect only until January 31, 2006. The City Council may amend this Chapter 6.50 to: (1) limit or expand the hours during which Safe and Sane fireworks may be used or sold, provided that in no event shall such hours commence prior to that allowed by state law or extend beyond July 4th; and (2) make minor or technical adjustments consistent with the purposes as set forth in the Safe and Sane Fireworks Initiative. Except as otherwise provided in the preceding sentence, this Chapter 6.50 may only be amended or repealed by vote of the voters of the City of San Bruno.~~

### Section 3. Effective Date

As provided for in Elections Code section 9217, this Initiative shall take effect ten days after the date on which the elections results are declared by the San Bruno City Council.

### Section 4. Severability and Interpretation.

If any section, subsection, sentence, clause or phrase of this 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 voters hereby declare that they would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

## IMPARTIAL ANALYSIS OF MEASURE G

The San Bruno City Council directed that an initiative ordinance be placed before the voters regarding whether the City's "safe and sane" fireworks law should remain in effect.

**Existing Law:** Cities are allowed to ban or to regulate "safe and sane" fireworks. Currently, San Bruno regulates them. San Bruno Municipal Code Chapter 6.50 limits the days and hours when "safe and sane" fireworks may be sold, used, or discharged to a period of time around the July 4<sup>th</sup> holiday. It also limits where they may be used or discharged. Violators may be fined for not complying with the City's ordinance. Chapter 6.50 will expire on January 31, 2006.

**Effect of the Measure:** The Initiative would re-adopt Chapter 6.50 with some changes. First, the expiration date would be removed so that the ordinance would remain in effect unless repealed or amended by the voters. The City Council would be only authorized to make minor changes to the ordinance such as to the days and time when "safe and sane" fireworks may be sold, used or discharged. Secondly, the City Council may modify the penalties for violations. Finally, the Initiative makes minor grammatical changes to the text of the ordinance.

A "yes" vote in favor of the Initiative extends existing City law allowing the continued sale, use or discharge of "safe and sane" fireworks. If adopted by the voters, the City Council would not have the authority to change or amend this law without voter approval.

A "no" vote against the Initiative would leave the City's law set to expire in 2006. The City Council would retain the discretion to consider various options at that time, including but not limited to, enacting a ban on the sale, use, or discharge of "safe and sane" fireworks.

To be adopted, the measure must receive "yes" votes from a majority the voters voting on the measure.

/s/ **Pamela Thompson**  
City Attorney

**Chapter 6.50 SAFE AND SANE FIREWORKS**

**6.50.010 Sale, use or discharge of safe and sane fireworks allowed.**

The sale, use, or discharge of safe and sane fireworks, which shall have the meaning ascribed to it in Section 12529 of the California Health and Safety Code, is allowed in accordance with the permitting process and the time, manner and place limitations provided in this chapter. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

**6.50.020 Use or discharge of safe and sane fireworks limited.**

A. It is unlawful to use or to discharge any safe and sane fireworks during prohibited fireworks use hours. "Prohibited fireworks use hours" means anytime other than from noon until ~~nineteen~~ p.m. on June 28th through July 3rd and from noon until ~~eleven p.m. midnight~~ on July 4th.

B. It is unlawful to possess safe and sane fireworks with intent to use or to discharge during prohibited fireworks use hours, as defined in subsection A of this section.

C. It is unlawful for any person to ignite, discharge, project or otherwise fire or use, any safe and sane fireworks, or permit the ignition, discharge or projection thereof, upon or over or onto the property of another within ten feet of any residence, dwelling or other structure.

D. The use of safe and sane fireworks within the city shall be limited to private property, except as otherwise provided herein. No safe and sane fireworks shall be discharged on public, semi-public, or private open areas such as parking lots, vacant property, or in public streets or rights-of-way, absent written consent of the owner. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

**6.50.030 Supervision of minors.**

It is unlawful for any person having the care, custody or control of a minor (under eighteen years old) to permit such minor to possess, use, discharge, explode, fire or set off any safe and sane fireworks unless such minor does so under the direct supervision of an adult (eighteen years old or older) and only during the hours, days and locations permitted by this chapter. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

**6.50.040 Sale of safe and sane fireworks limited.**

The sale of safe and sane fireworks shall be limited from noon until ~~eightnine~~ p.m. on June 28<sup>th</sup>, ~~from 10:00 a.m. until 8:00 p.m. on June 29<sup>th</sup> to July 3<sup>rd</sup>~~, and from ~~tennine~~ a.m. until ~~sevensnine~~ p.m. on ~~June 29<sup>th</sup> through~~ July 4th. The provisions of this section shall not be

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applicable to public agencies or manufacturers or suppliers of fireworks for public display or storage. Organizations to which permits have been issued may accept delivery of safe and sane fireworks for stocking purposes no more than seventy-two hours prior to the time allotted for safe and sane fireworks sales. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

**6.50.050 Safe and sane fireworks—Permit required.**

It is unlawful for any person or organization to possess for sale or to sell safe and sane fireworks within the city without having first applied for and received a city permit authorizing such sale. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

**6.50.060 Rules and regulations pertaining to permits and temporary fireworks stands.**

The city council shall establish by resolution the rules and regulations pertaining to temporary fireworks stands. It is unlawful for any permittee to fail to comply with the rules and regulations pertaining to temporary fireworks stands. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

**6.50.070 Violation—Penalties.**

A. Any person in violation of this chapter shall be subject to the penalties and fines established by the city council pursuant to resolution. If the city council has not adopted such a resolution prior to the effective date of the Safe and Sane Fireworks Initiative, the following penalties shall apply until the city council does so:

1. An administrative fine not exceeding one hundred dollars for a first violation;
2. An administrative fine not exceeding two hundred dollars for a second violation within one year;
3. An administrative fine not exceeding five hundred dollars or a third violation within one year.

B. Every parent, guardian or other person having the legal care, custody or control of any person under the age of eighteen years, who knows or reasonably should know that a minor is in violation of this chapter may be issued an administrative fine in accordance with the provisions of this section.

C. Administrative fines shall be issued and processed in accordance with the provisions of San Bruno Municipal Sections 5.08.010 through 5.08.110.

D. In addition to the penalties and fines set forth above, a violation of any of the provisions of this chapter or any of the conditions imposed upon a permit issued hereunder shall subject the permittee to suspension or revocation of its permit and its permittee status, as provided by resolution of the city council in the rules and regulations pertaining to temporary fireworks stands. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)

**6.50.080 Amendment or repeal.**

The city council may amend this chapter to: (1) limit or expand the hours during which safe and sane fireworks may be used or sold, provided that in no event shall such hours commence prior to that allowed by state law or extend beyond July 4th; and (2) make minor or technical adjustments consistent with the purposes as set forth in the Safe and Sane Fireworks Initiative. Except as otherwise provided in the preceding sentence, this chapter may only be amended or repealed by vote of the voters of the city of San Bruno. (Voter Measure G § 2, 2005; Ord. 1700 § 2, 2005)



City Council Agenda Item  
Staff Report

CITY OF SAN BRUNO

**DATE:** August 23, 2016  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Jimmy Tan, Public Services Director/City Engineer  
**SUBJECT:** Receive Report on the Appeal of FEMA San Francisco Bay Coastal Study Results for the City of San Bruno

**BACKGROUND:**

The Federal Emergency Management Agency (FEMA) completed an engineering study of the coastal hazards as part of the California Coastal Analysis and Mapping Project for the San Francisco Bay. FEMA conducted this study as part of their nationwide Risk Mapping, Assessment, and Planning Program to determine the revised Base Flood Elevation and extent of the Special Flood Hazard Areas for coastal communities. The results of the study will be used by FEMA to remap the flood elevations from wave induced coastal flood hazards for San Francisco Bay communities and update the Flood Insurance Study reports and Flood Insurance Rate Maps (FIRMs).

The project to re-examine the San Mateo County's communities flood risks and develop detailed digital flood hazard maps has been completed. FEMA has distributed revised Preliminary FIRMs to all agencies within San Mateo County for review. The entire land area inside San Bruno City limits was previously categorized as Zone D in FEMA's FIRM. The Zone D designation is used by FEMA for areas where there are possible but undetermined flood hazards as no analysis of flood hazards has been conducted. Flood insurance is available in Zone D and property owners are encouraged to purchase it. However, flood insurance is not federally required by lenders for loans on properties in this zone.

The new coastal flood hazard analysis completed by FEMA has identified numerous residential properties within the City's Belle Air neighborhood as potentially being inundated by flooding. The parcels identified on FEMA's Preliminary FIRM are now shown to be in a higher-risk flood zone which is indicated as Zone AE. There are financial impacts to being mapped into Zone AE. If properties have a mortgage from a federally regulated or insured lender, by Federal Law, the lender will require the property owner to purchase flood insurance.

As part of the FEMA mapping process, agencies are provided an opportunity to conduct their own technical analyses and submit the information to FEMA for consideration as part of an appeal process. Upon receipt of the appeal package, FEMA will engage with the agency to clarify the technical analyses and determine whether changes in the FIRM are warranted prior to the final maps becoming effective.

*10.a.*

The City has performed numerous coordination and activities leading toward staff recommendation to file an appeal.

- At the Council meeting on January 27, 2015, the City Council awarded a contract to Moffatt & Nichol (M&N), a firm that specializes in coastal engineering, to review FEMA's documents and provide comments that would be beneficial for the City, and assist the City's efforts to work with FEMA to confirm and evaluate the impacts of the flood hazard mapping.
- On May 26, 2015, an additional contract was awarded to M&N to perform additional hydraulic analysis so the City will have a better understanding of the coastal flooding in the region and to also determine whether the extent of flooding could be reduced within the Belle Air neighborhood compared to FEMA's FIRMs.
- On March 27, 2015, a meeting was conducted with representatives from City of San Bruno, FEMA, County of San Mateo, Congresswoman Jackie Speier's Office, and M&N. The discussion focused on the overall timeline associated with the FIRM development, source of flooding, clarification of responses from the comments, and FEMA procedures required in order to submit additional information for further review.
- The City has been coordinating with Congresswoman Jackie Speier's Office and requested their assistance to help facilitate discussion and provide an additional six months for the City to prepare an appeal. On December 22, 2015, Congresswoman Jackie Speier's office sent a letter to FEMA Region IX office requesting that FEMA delay the appeal for the City. FEMA responded on February 8, 2016 stating that FEMA will not grant an extended appeal period for the City.
- On March 4, 2016, the City met with Supervisor Pine, M&N, Director of Public Works from South San Francisco and County of San Mateo, and City representatives to discuss the M&N hydraulic analysis results and the County efforts toward accreditation of their flood control facilities that could assist the City's efforts to reduce the impact of potential flooding in San Bruno.
- On March 22, 2016, the City Council awarded a contract to M&N to develop additional hydraulic analyses and file an appeal to FEMA. The scope of work includes updating the hydrodynamic model, performing simulations, preparing detailed report and maps, and compiling the information to send to FEMA.

#### **DISCUSSION:**

FEMA published a public notification concerning the appeal in the San Mateo Daily Journal on May 20 and May 27, 2016. The appeal period started after the second newspaper publication date and is open for 90-days. FEMA allows an appeal to be submitted by providing information indicating that FEMA's proposed flood hazard determinations are scientifically or technically incorrect. The appeal package submitted to FEMA must be supported by scientific or technical data for review before FEMA makes its final flood hazard determination at the end of the 90-day appeal period. According to FEMA, the 90-day appeal period is statutory and cannot be extended.

M&N completed the draft FEMA appeal document in August 2016. The City is filing a written appeal to FEMA to contest that the proposed flood hazard determinations for the City is

scientifically incorrect. The evaluation identified that the primary source of scientific error that results in incorrect Base Flood Elevation and Special Flood Hazard Area boundaries is that FEMA's analysis applied a steady state ("bathtub") approach in mapping flood zones. FEMA's methodology of mapping areas of potential flooding regardless of duration of elevated water levels and terrain changes is believed to provide too conservative estimate of flood extents within the City of San Bruno. M&N applied an alternative method of using FEMA approved unsteady 2D hydrodynamic model using the information from FEMA's preliminary FIRMs analysis and produced more accurate surface flooding areas. The alternative modeling method results show much less areas of flooding in the Belle Air neighborhood. For example, a comparison of the flood inundation areas between FEMA's preliminary FIRM and unsteady 2D model were made within the Belle Air neighborhood. The comparison shows that the flood inundation area south of Pine Street using the unsteady 2D model is significantly reduced as shown in Attachment 1. It is evident that using a more accurate modeling method that accounts for the duration of the flood and terrain impacts has produced a different result on the area that would potentially be flooded. This is the basis of the City's appeal to FEMA.

The remaining flood area north of Pine Street is contributed from the flood water overtopping the south bank of the Navigable Slough located in City of South San Francisco (SSF) and traveling south along Shaw Road and into San Bruno form I-380 underpass and 7<sup>th</sup> Avenue. The result of the unsteady 2D analysis is similar to the flood inundation area depicted in FEMA's preliminary FIRM. Since the navigable slough is located in SSF, a collaborative effort between both agencies is required to determine the mitigation measures that are cost effective and minimize environmental impacts.

The appeal package will be submitted to FEMA on August 24, 2016. Staff is currently engaging with FEMA to schedule a meeting to discuss their comments on the appeal package.

Since the City first became aware of the FEMA mapping process and the potential impacts for San Bruno, the schedule for completion and final approval of the new maps has been changed several times. The following is an outline of the remaining steps and timeline for completion of this process.

- 90 day appeal period began on May 27, 2016 after Federal Register Publication
- Final map determination by FEMA – 6 months after end of appeal period
- New Rate Maps effective – 6 months after end of resolving appeals and finalizing map products

#### **FISCAL IMPACT:**

The City has contracted with Moffatt & Nichol for a total of \$107,142 to provide technical assistance for the FEMA Coastal Flood Hazard Study which includes providing comments on the Draft FEMA flood maps, evaluating the source of flooding, reviewing FEMA base flood evaluation and flood mapping methodology, performing additional hydraulic analyses, determining whether the extent of flooding could be reduced within Belle Air neighborhood

compared to FEMA's FIRMs, refinement of the hydraulic analysis utilizing FEMA's data and preparing a formal appeal package for FEMA's review.

There is no additional fiscal impact at this time as this report is presented for City Council and community information.

**ALTERNATIVES:**

1. None – this report is presented for information only.

**RECOMMENDATION:**

Receive Report on the Appeal of FEMA San Francisco Bay Coastal Study Results for the City of San Bruno

**ATTACHMENTS:**

1. Comparison of Flood Areas Between FEMA and Unsteady 2D Model
2. Letter of Support from Congresswoman Jackie Speier Office

**DISTRIBUTION:**

None

**DATE PREPARED:**

August 4, 2016

**REVIEWED BY:**

\_\_\_\_\_ CM  
\_\_\_\_\_ ACM

Attachment No. 1

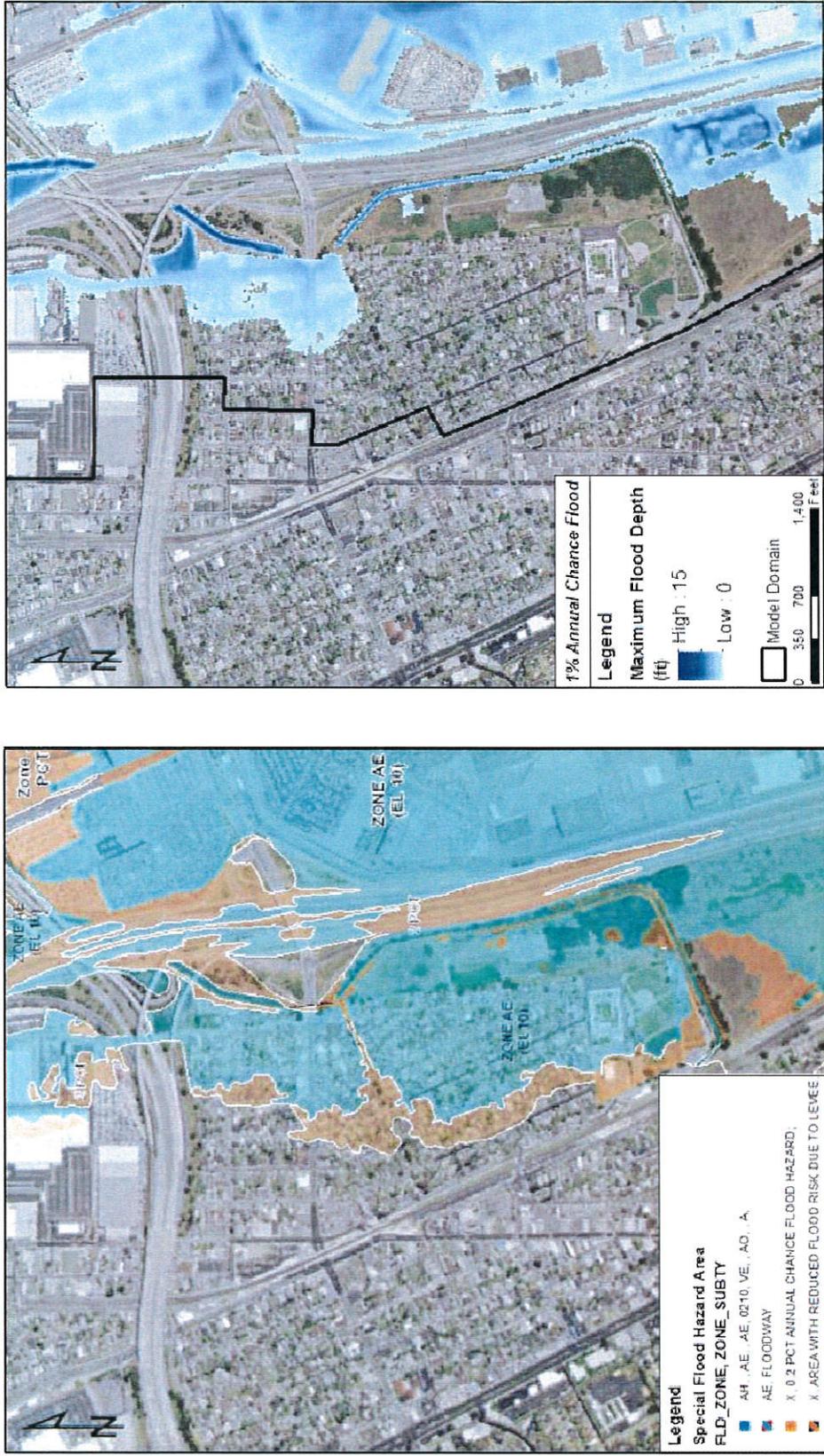


Figure 18: Comparison of Flood Areas Between Preliminary FIRM (left) and Alternative Analysis Results (right) for the 1% Annual Chance Flood



JACKIE SPEIER  
14TH DISTRICT, CALIFORNIA

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House of Representatives  
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COMMITTEE ON ARMED SERVICES

SUBCOMMITTEES:  
RANKING MEMBER, OVERSIGHT AND  
INVESTIGATION  
MILITARY PERSONNEL

PERMANENT SELECT COMMITTEE  
ON INTELLIGENCE

SUBCOMMITTEES:  
EMERGING THREATS  
NSA AND CYBERSECURITY

Senior Whip

August 2, 2016

W. Craig Fugate  
Administrator  
Federal Emergency Management Agency  
500 C Street, SW, Room 714  
Washington, DC 20472

RECEIVED

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CITY MANAGERS OFFICE

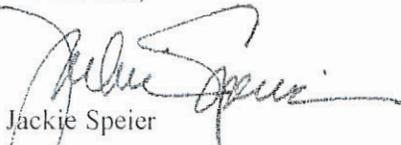
Dear Administrator Fugate:

It is my understanding that the City of San Bruno will soon submit a study of its flood plain status. This document will demonstrate that a significant portion of the city otherwise identified by FEMA as prone to flooding is in fact very unlikely to flood.

I respectfully request that FEMA give full and fair consideration to the city's submission. Without an amendment to the designation, hundreds of residents will have to purchase costly flood insurance for an event that the city's experts deem very, very unlikely. My staff has reviewed the report and informs me that it uses a sophisticated model to demonstrate that FEMA's initial determination is in error. I hope that FEMA's experts will be open to this methodology, and that your experts will contact the city's experts with any questions prior to coming to any conclusions.

I support the flood insurance program when it is appropriate that a property be identified as within a flood zone. Among other benefits, the health, safety and welfare of the public are benefitted when these zones are correctly identified. However, the public's interest is also best served when high quality science and well-reasoned analysis are used to determine risk. The City of San Bruno will be submitting a study that it believes has those characteristics. I respectfully urge FEMA to engage with the city to resolve any questions that may exist and to make the best scientific determination possible, in the interest of the public and consistent with all applicable laws and regulations.

All the best,



Jackie Speier

cc:

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

KJS/bp



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

**DATE:** August 23, 2016  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Marc Zafferano, City Attorney  
**SUBJECT:** Receive Report and Provide Direction Regarding Ordinance Regulating Exposure to Secondhand Smoke

### BACKGROUND:

At a recent City Council meeting, residents requested that the City consider prohibiting smoking in multi-unit housing. After discussion, the City Council appointed a subcommittee consisting of Vice-Mayor Medina and Councilmember Ibarra to meet with staff, residents, and property owner representatives to obtain input and report back with recommendations.

The subcommittee first met with representatives and several residents of Shelter Creek to obtain input about exposure to secondhand smoke in their units as well as cigarette butts around common areas that have designated cigarette trash receptacles. In late June, the subcommittee convened a second meeting with a broad group of representatives from many of the largest multi-unit housing complexes in the City, including Peninsula Place, Crystal Springs Terrace, Acappella, Archstone, Village Senior Apartments, Paragon Apartments, and Shelter Creek. Representatives of San Mateo County as well as approximately six members of the public were present and participated in an informal discussion. Those who attended the meeting were generally (though not unanimously) in favor of restricting smoking in multi-unit residences and creating designated outdoor smoking areas for the residents to use. The County representatives offered their ongoing assistance in fielding calls and responding to complaints of drifting secondhand smoke.

The subcommittee then met with staff to review the input received at these meetings, and the subcommittee recommended bringing the matter back to the full City Council for discussion and direction. The subcommittee considered the following topics:

1. An indoor ban on smoking that would:
  - a. Apply to all multi-unit complexes, defined as two or more units that share a common floor, wall, or ceiling;
  - b. Cover attached patios and balconies;
  - c. Include vaping and use of marijuana;
  - d. Include indoor workplaces if not otherwise covered by state law;
  - e. Include 90% of hotel/motel rooms;
  - f. Provide a grace period for multi-unit residences of no more than 14 months before enforcement;
2. An outdoor ban that would:

*M.B.*

- a. Apply to common areas of multi-unit residences, except for designated outdoor smoking areas;
- b. Apply to public places such as parks, service lines, outdoor eating areas, and sidewalks (unless actively moving to another destination);
- c. Include outdoor workplaces such as construction sites.

The subcommittee was generally in favor of the above-listed provisions of an indoor ban and subsection (a) of the outdoor ban, but suggested additional discussion among the full council about subsections (b) and (c) of the outdoor ban.

## **DISCUSSION:**

### Private Regulation

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

### Summary of State Law

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

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

In 2004, a state law was enacted that prohibited smoking in the following places: inside state, county, and city buildings; tot lots and playgrounds; schools; day care facilities; in vehicles when children are present; and on public transit. Smoking was also prohibited within 20' of main entrances, exits, and operable windows of public buildings.

### Summary of Local Regulations

Local regulation of smoking in San Mateo County can be traced back to the early to mid-1990's, when most cities adopted ordinances prohibiting smoking in indoor (and in some cases outdoor) common areas of multi-unit housing, and established smoking restrictions in some indoor areas

of commercial establishments. However, San Bruno did not choose to regulate smoking at that time, and the City does not currently regulate smoking in any locations (indoor or outdoor) beyond the restrictions in state law, with one exception for tobacco retailer shops (San Bruno Municipal Code section 6.54, adopted in 2010).

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

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

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

Soon after Belmont adopted its ordinance, other cities followed to varying degrees. Most cities initially stopped short of a complete ban in multi-unit residences, and grandfathered either all existing units, or the smoking residents of those units, or provided a grace period of many years, while applying the ban only to newly-constructed units. More recently, some cities, notably Burlingame, Daly City, Foster City, San Mateo, and San Mateo County have all adopted ordinances that prohibit smoking in some or all existing units of multi-unit residences. Foster City's ordinance is different than the others in that if the City declines to take enforcement action within 45 days of the complaint, the affected party may enforce their rights in a civil suit. Attachment 2 provides a recent summary of the various smoking ordinances in San Mateo County.

#### Proposed Draft Ordinance

Staff has prepared a draft ordinance for the City Council's discussion and direction that includes all of the provisions discussed by the subcommittee (Attachment 3). The ordinance includes

margin comments to assist the City Council in identifying the provisions requiring additional discussion and direction. These include:

1. The definition of multi-unit residences as including more than one dwelling unit; as drafted, this would exempt single-family homes, rooms for rent in single-family homes, and detached in-law units;
2. The definition of multi-unit residence common areas, which include all areas not otherwise designated for smoking;
3. The definition of places of employment to include most indoor and outdoor areas;
4. The definition of public places and service areas to include most areas open to the general public, with an exception that smoking is allowed if actively moving to another destination;
5. The definition of smoking to include both vaping and smoking marijuana; and
6. The inclusion of a 14-month grace period to allow renters on a one-year lease sufficient time to adjust their living circumstances if necessary.

**FISCAL IMPACT:**

None at this time. However, enforcement of a new ordinance would likely be time-consuming and divert limited staff resources from other pressing code enforcement issues. It is recommended that the City Council discuss their expectations regarding enforcement and determine if additional and/or focused staff resources will be necessary once the designated grace period expires. In addition the City Council may want to consider outreach and education efforts before the ordinance goes into effect.

**ALTERNATIVES:**

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

**RECOMMENDATION:**

Receive report and provide direction regarding ordinance regulating exposure to secondhand smoke.

**ATTACHMENTS:**

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

**DATE PREPARED:**

August 16, 2016

**REVIEWED BY:**

\_\_\_\_\_ CM



# Benefits of Non-smoking Housing Policies

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

### Save Money

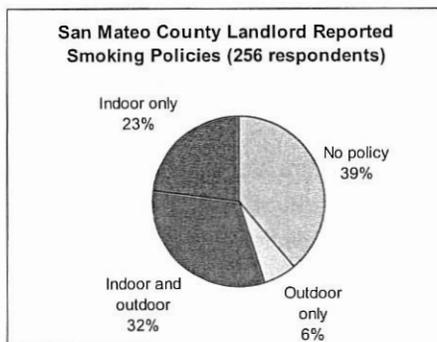
- ◆ Making your rental units non-smoking may allow you to save 10% or more on your insurance premiums.<sup>i</sup> Free online advertising is available for smoke-free apartments, saving you even more.<sup>ii</sup>
- ◆ Reports indicate that apartment turnover costs can be 2 to 7 times greater when smoking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

### High Market Demand

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

### Properties Already Converting

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



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

### Decrease Liability

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

### Average Apartment Turnover Costs

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

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

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

### It is legal

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

### New CA Law Defines Rights

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

### Reduce the Risk of Fires

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



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

### **Reduce Litter**

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



### **Decrease Tenant Conflict**

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

### **Get the Facts**



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

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

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

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

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

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

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

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

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

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

<sup>vii</sup> SB 332 Authorizing Landlords to Prohibit Smoking in Rental Units <http://www.center4tobaccopoliev.org/BillSearch.aspx?menu=id5015>

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

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

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

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

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

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



**BREATHE CALIFORNIA**  
*Golden Gate Public Health Partnership*



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

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

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

**AN ORDINANCE OF THE CITY OF SAN BRUNO REGULATING SECONDHAND SMOKE AND ADDING CHAPTER 6.56 OF THE SAN BRUNO MUNICIPAL CODE**

**Commented [MZ1]:** Note that Chapter 6.52 (Tobacco Retailer Permits) and 6.54 (Smoking Regulations) will also have to be amended to be consistent with this new Chapter.

The City Council of the City of San Bruno does hereby ordain as follows:

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

**Commented [MZ2]:** We will update the scientific findings in the next several pages with the most recent studies and literature for the next draft of the ordinance.

WHEREAS, the City Council finds that this ordinance is exempt from the requirements of CEQA as it is not a "project" because it has no potential to result in a direct or reasonably foreseeable indirect change to the environment (14 Cal. Code Regs. Section 15378(a); and the ordinance is exempt from CEQA because it is an action taken for the protection of the environment (Cal. Code Regs. Section 15308), and;

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

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

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

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

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

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

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

acute, chronic, middle-ear infections in children;<sup>6</sup> and

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

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

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

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<sup>6</sup> U.S. Dep't of Health and Human Servs., Centers for Disease Control and Prevention, *Exposure to Environmental Tobacco Smoke and Cotinine Levels — Fact Sheet* (2004), available at [http://www.cdc.gov/tobacco/research\\_data/environmental/factsheet\\_ets.htm](http://www.cdc.gov/tobacco/research_data/environmental/factsheet_ets.htm) (last accessed October 18, 2006).

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

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

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

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

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

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

- only 5 minutes of exposure to secondhand smoke causes the main artery carrying blood from the heart to the body, the aorta, to stiffen as much as if the person had actually smoked a cigarette, thereby causing the heart to work harder to pump blood;<sup>13</sup> and
- 30 minutes of exposure to secondhand smoke reduces the arterial function of a nonsmoker's circulatory system to that of an active smoker's, increasing the nonsmoker's risk of heart disease;<sup>14</sup> and
- Exposure to outdoor secondhand smoke may present a hazard under certain conditions of wind and smoker proximity.<sup>15</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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[%20AAPCC%20Annual%20Report%202004.pdf](#) (last accessed October 23, 2006).

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

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

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

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

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

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

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

- every building;<sup>27</sup> and
- 46% of apartment renters have experienced secondhand smoke drifting into their units;<sup>28</sup> and

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

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

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

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

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

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

NOW THEREFORE, it is the intent of the City Council, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous

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<sup>27</sup> Ctr. For Tobacco Policy and Org., Am. Lung Ass'n of Cal., *Statewide Survey of California Apartment Owners and Managers* (2005), available at <http://www.californialung.org/thecenter/documents/CenterSmokefreeApartmentsOwnersSurveyJune2005.doc> (last accessed December 21, 2006).

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

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

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

<sup>31</sup> U.S. FIRE ADMINISTRATION/NATIONAL FIRE DATA CENTER, U.S. DEPT. OF HOMELAND SECURITY, *RESIDENTIAL SMOKING FIRES AND CASUALTIES, TOPICAL FIRE RESEARCH SERIES, VOLUME 5 – ISSUE 5*, at 1 (June 2005), available at [http://www.usfa.dhs.gov/downloads/pdf/tfrs\\_v5i5.pdf](http://www.usfa.dhs.gov/downloads/pdf/tfrs_v5i5.pdf) (last accessed Jan. 30, 2007).

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

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

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

behavior of smoking around non-smoking individuals, especially children; by protecting the public from nonconsensual exposure to secondhand smoke where they live, work, and play; by lessening tobacco-related litter; by reducing the potential for children to wrongly associate smoking and tobacco with a healthy lifestyle; and by affirming and promoting the family atmosphere of the City's public places.

**SECTION II.** Chapter 6.56 of the City of San Bruno's Municipal Code is hereby added to read as follows:

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

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

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

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

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

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

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

**Commented [MZ3]:** This broadly defines Multi-Unit Residence.

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

**Commented [MZ4]:** This broadly defines Common Areas.

(h) "Nonprofit Entity" means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives

or purposes of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this section.

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

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

**Commented [MZ5]:** This broadly defines Places of Employment.

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

**Commented [MZ6]:** This broadly defines Public Places.

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

**Commented [MZ7]:** This broadly defines Service Areas.

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

(n) "Smoking" or to "Smoke" means possessing a lighted tobacco product, lighted tobacco paraphernalia, or any other lighted weed or plant (including but not limited to, a lighted pipe, lighted hookah pipe, lighted cigar, marijuana, electronic devices that vaporize a solution containing nicotine commonly known as e-cigarettes, e-cigars, e-cigarillos, e-pipes, and e-hookas), or lighted cigarette of any kind), or the lighting of a tobacco product, tobacco paraphernalia, or any other weed or plant (including but not limited to, a lighted pipe, lighted hookah pipe, lighted cigar, marijuana, electronic devices that vaporize a solution containing nicotine commonly known as e-cigarettes, e-cigars, e-cigarillos, e-pipes, and e-hookas), or lighted cigarette of any kind).

**Commented [MZ8]:** This definition includes electronic devices used for vaping as well as marijuana.

(o) "Tobacco Product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco; and any electronic cigarette or other electronic device used to generate smoke; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the

United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

(p) "Unit" means: (1) a dwelling space consisting of essentially complete independent living facilities for one or more persons, including, for example, permanent provisions for living and sleeping, and any private outdoor spaces such as balconies, decks, and patios; and (2) senior citizen housing and single room occupancy hotels, as defined in California Health and Safety Code section 50519(b)(1), even where lacking private cooking facilities or private plumbing facilities. "Unit" does not include lodging in a hotel or motel that meets the requirements set forth in California Civil Code section 1940(b)(2).

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

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

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

(a) Smoking shall be prohibited in the following indoor and outdoor places within the City of San Bruno:

(1) Public Places;

(2) Places of Employment; and

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

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

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

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

(iv) must have a clearly marked perimeter;

(v) must be identified by conspicuous signs and include receptacles designed for and primarily used for disposal of Tobacco waste and shall be maintained free of Tobacco related litter including but not limited to cigarette

butts; and

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

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

(5) Service Areas;

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

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

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

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

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

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

(6) Any City-designated outdoor Smoking areas;

(7) Automobiles;

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

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

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

A Unit shall not be subject to the Smoking restrictions in Section 3(a)(4) until fourteen

(14) months after the effective date of this chapter, or until the legal occupants on the effective date of this chapter vacate the Unit, whichever occurs first.

**Commented [M29]:** The grace period is designed to allow any one-year leases currently in effect to expire before smoking would be prohibited in the Unit.

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

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

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

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

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

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

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

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

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

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

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

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

**Commented [MZ10]:** The last sentence absolves Landlords from liability if they include non-smoking provisions in leases; this is supported by groups representing Owners and Landlords, and is commonly included in all such ordinances.

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

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

**Commented [MZ11]:** This section is designed to allow smoking in outdoor areas so long as the person is actively moving to another destination.

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

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

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

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

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

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

(d) "No Smoking" signs, with letters of no less than one inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning

cigarette enclosed in a red circle crossed by a red bar) shall be clearly, sufficiently, and conspicuously posted in every indoor and outdoor place in which Smoking is prohibited by this chapter, by the Person, Employer, Business, Nonprofit Entity, Landlord, or Common Interest Development that has legal or de facto control of such place. For purposes of this chapter, the City Manager or designee shall be responsible for the posting of signs in regulated facilities owned or leased in part by the City of San Bruno. Notwithstanding this provision, the presence or absence of signs shall not be a defense to the violation of any other provision of this chapter.

**Commented [MZ12]:** These signs are generally available free of charge from various organizations in the County.

#### **Sec. 8. PENALTIES AND ENFORCEMENT**

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

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

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

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

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

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

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

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

the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of San Bruno hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

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

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

Introduced this \_\_\_\_ day of \_\_\_\_\_, 2016.

\* \* \* \* \*

PASSED AND ADOPTED as an Ordinance of the City of San Bruno at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2016.

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

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

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

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

\_\_\_\_\_  
Mayor of the City of San Bruno

ATTEST:

\_\_\_\_\_  
Clerk of the City of San Bruno



City Council Agenda Item  
Staff Report

CITY OF SAN BRUNO

**DATE:** August 23, 2016

**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 Neighborhood Reconstruction – Crestmoor Canyon Retaining Wall with Casey Construction, Inc. in the Amount of \$31,900 and Approving a Construction Budget of \$35,000.

**BACKGROUND:**

The reconstruction and rebuilding of infrastructure in the Crestmoor (Glenview) Neighborhood as a result of the September 9, 2010 PG&E gas pipeline explosion and fire has involved the replacement of the existing underground utilities. At the eastern end of Concord Way, where the road stubs to Crestmoor Canyon, this work included the replacement of both sewer and storm drainage pipes. This location was also the site of a previous slope washout due to a storm drainage overflow that occurred in 1989. At that time the City undertook an emergency project to repair the slope at the end of Concord Way as well as the slope area behind the existing homes at 1480 and 1490 Claremont Drive. Included in this project was the construction of a small retaining wall at the top of the slope behind these two residences located within a public utility easement. The retaining wall provides a level surface for access to the easement area.

During the course of the Phase III utility replacement project, the condition of this existing wall was observed to be deteriorating. A cost proposal was sought from the Phase III contractor at that time; however, they were unable to cost effectively perform the work as they had already demobilized from the site. Staff has recently solicited bids from three contractors to perform the wall replacement and is seeking authorization to award a construction contract to the lowest responsible bidder.

**DISCUSSION:**

The Crestmoor Reconstruction Project includes certain repairs and remedial work to the Crestmoor Canyon area. The slope area adjacent that is the subject of this project has been inspected by a geotechnical engineer and has been deemed to be structurally sound and is not experiencing erosion. The existing retaining wall does not provide any structural benefit to the slope. Its primary function is to allow access to the public utility easement area. The existing wall was built using pressure treated posts and wall boards. The life expectancy of this type of wall is typically about 25 years. In this case this wall is 27 years old, and its condition is not surprising given its age.

The replacement wall is designed to be more permanent in nature. The wall will be constructed with steel columns embedded in concrete pier foundations. The wall boards will be pressure treated wood backfilled with granular material. In the event that they need to be replaced in the future, the boards can be changed by simply sliding them out from between the steel columns and replacing them in kind.

Even though there currently exists no existing erosion or slope stability concerns, it is desired to construct the replacement wall before the start of the rainy season (October 15, 2016) if possible. As such staff solicited and received three bids from contractors to perform the work:

<u>No.</u>	<u>Contractor</u>	<u>Bid Amount</u>
1	Casey Construction, Inc.	\$ 31,900
2	California Retaining Walls	\$ 48,000
3	Universal Developing, Inc.	\$ 53,000

The work will be performed in accordance with all City standards and specifications including Prevailing Wage requirements. The low bidder, Casey Construction, has indicated that they can commence the work within two weeks of award of the contract and the work will take approximately 3 weeks to complete. In addition to the construction of the wall, the contractor will provide temporary erosion control and will hydro-seed any disturbed ground areas at the completion of the project.

In addition to the construction cost, the budget includes a contingency of \$3,100 (~10%) to cover any unforeseen conditions as well as inspection from the geotechnical engineer.

**FISCAL IMPACT:**

The total cost of the Crestmoor Canyon Retaining Wall Project with Casey Construction, Inc. is \$31,900 and the overall construction budget is \$35,000. 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 Casey Construction for the Crestmoor Canyon Retaining Wall Project.
2. Reject all bids and formally advertise the project for bid. This will delay the construction of the wall until after the start of the winter rainy season.

**RECOMMENDATION:**

Adopt Resolution Authorizing the City Manager to Execute a Construction Contract for the Crestmoor Neighborhood Reconstruction – Crestmoor Canyon Retaining Wall with Casey Construction, Inc. in the Amount of \$31,900 and Approving a Construction Budget of \$35,000.

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Resolution

**DATE PREPARED:**

August 15, 2016

**REVIEWED BY:**

\_\_\_\_\_ Fin

\_\_\_\_\_ ACM

\_\_\_\_\_ CA

\_\_\_\_\_ CM

RESOLUTION NO. 2016-\_\_\_

**AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT FOR THE CRESTMOOR NEIGHBORHOOD RECONSTRUCTION – CRESTMOOR CANYON RETAINING WALL PROJECT WITH CASEY CONSTRUCTION, INC. IN THE AMOUNT OF \$31,900 AND APPROVING A CONSTRUCTION BUDGET OF \$35,000**

**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 repair, replacement, and upgrades and improvements are necessary to ensure the long term function of the infrastructure; and

**WHEREAS**, the City of San Bruno, identified a need to replace a retaining wall on the Crestmoor Canyon slope adjacent to Concord Way at 1480 and 1490 Claremont Drive; and

**WHEREAS**, the City prepared plans and solicited bids in compliance with State Contract Code, and local purchasing regulations and received three bids; and

**WHEREAS**, Casey Construction Inc. submitted the lowest bid in the amount of \$31,900 and was determined to be the lowest cost, responsive and responsible bidder; and

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

**WHEREAS**, a construction budget of \$35,000 has been established to cover the cost of construction and contingencies; 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 Neighborhood Reconstruction – Crestmoor Canyon Retaining Wall with Casey Construction, Inc. in the Amount of \$31,900 and approves a Construction Budget of \$35,000.

Dated: August 23, 2016

ATTEST:

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

I, Carol Bonner, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 23rd day of August 2016 by the following vote:

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

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

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



## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

---

**DATE:** August 23, 2016

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

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

**SUBJECT:** Adopt Resolution Authorizing the City Manager to Execute a Consultant Services Agreement with ARG Conservation Services, Inc. (ARG/CS) to Remove, Transport, Fumigate and Treat the Hand Carved Wooden Tableau at 324 Florida Avenue in the Amount of \$53,944; Approving a Contingency of \$8,091; and Appropriating \$12,035 from the General Fund Capital Reserve Fund

### BACKGROUND:

On October 28, 2014, the City Council adopted a Resolution authorizing the City Manager and City Attorney to complete the purchase of 324 Florida Avenue for future use as a neighborhood park. In order to prepare the property for future use, the existing structures need to be demolished, on-site soils remediated and limited salvage of materials from the structures performed. The overall 324 Florida Avenue Site Remediation Project is an approved project in the adopted 2015-20 Capital Improvement Program (CIP) budget.

The property consists of eight parcels (approximately ½ acre total land area) and is located in a relatively dense residential neighborhood. The property includes four buildings: the main residence, a duplex, a garage and a workshop. The large yard is primarily undeveloped with various types of trees including two heritage evergreen trees (exceeding 30" in diameter). The condition of the property has fallen into disrepair due to lack of upkeep and vandalism. The buildings have been left vacant in a deteriorated condition for an extended period of time, which is a nuisance for the neighbors. While certain items on the property have been identified as salvageable, a vast majority of the buildings and materials can no longer be used and will be removed as part of the demolition process.

Staff provided a project update to City Council in September 2015 that outlined the project scope, which includes demolishing the existing buildings, properly removing and disposing of contaminated soils and asbestos associated with the property, grading, and temporarily securing the site with fencing. Staff also provided details on the process to remove the hazardous materials safely and identified salvageable items from the site, including a 9x10 foot solid Honduras mahogany wood carving. The Council provided staff with recommendations and direction during the meeting which were incorporated into the project plans and specifications prior to bid.

At its meeting of May 24, 2016, the City Council authorized the City Manager to execute a contract with Pacific States Environmental Contractors, Inc. (Pacific States) to demolish and remove the structures on the site, to remediate the soils contamination on the property and to

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perform salvage and transfer to the City's possession the following salvage items: four (4) ornamental tiles from the fireplace within the primary residence, interior French doors from entry hallway to living room, the front entry door and the solid mahogany wood carving in the workshop. It was indicated in the May 24, 2016 staff report that City staff had located a restoration firm that could remove and provide the specialized conservation treatment recommended for the wood carving.

#### **DISCUSSION:**

For many months, staff has been working with representatives of ARG Conservation Services, discussing options for handling stabilization and possible restoration of the wood carving. This carving weighs 3,000 pounds and is titled "Independence of Switzerland." It was carved by a former resident of 324 Florida Avenue, Francois Perroset, a master wood carver. Mr. Perroset completed the carving in 1915. The carving was shown at the 1938-39 Golden Gate International Exhibition in San Francisco. Unfortunately, for several decades the wood carving has been stored without proper weather protection at 324 Florida Avenue. Not only has the carving been subject to the impacts of heat, cold and moisture, but vandalized as well. While an impressive piece of art, it is in need of extensive fumigation, cleaning, stabilization as well as restoration. ARG/CS representatives have visited the site and inspected the carving on two occasions, reviewed historic reports and information regarding the carving and have submitted a proposal to the City in the amount of \$53,944 to remove, fumigate, and perform basic conservation treatments and basic repairs to the carving to stabilize it. ARG would then return the carving to the City. The City would then have a stabilized piece of art it could offer for full restoration to an interested gallery or party or the City could choose to restore and display the piece itself. At this time, stabilization of the carving is a critical next step to saving this piece of art.

#### **FISCAL IMPACT:**

The 2015-16 Capital Improvement Program (CIP) includes an appropriation of \$50,000 for the basic restoration of the subject wood carving from the City Art Fund. Staff has worked with ARG/CS to reduce its earlier proposed cost for services by more than \$9,000. However, given the resulting proposal amount of \$53,944 and a contingency of 15% (\$8,091), an additional appropriation \$12,035 from the City's General Fund Capital Reserve fund is being requested for the project to cover possible costs to complete the work. Should any funds remain after completing the initial phase of the project, the funds can be reallocated to the subsequent development of the site for park use.

#### **ALTERNATIVES:**

1. Transport for fumigation only and return to the City with no cleaning, repair or further stabilization at a cost of approximately \$28,502 plus a possible 15% contingency of \$4275.
2. Direct staff to seek proposals for full restoration of the wood carving, which is estimated to be approximately \$100,000 including transport, fumigation, stabilization, restoration, storage, etc.

**RECOMMENDATION:**

Adopt Resolution Authorizing the City Manager to Execute a Consultant Services Agreement with ARG Conservation Services, Inc. (ARG/CS) to Remove, Transport, Fumigate and Treat the Hand Carved Wooden Tableau at 324 Florida Avenue in the Amount of \$53,944; Approving a Contingency of \$8,091; and Appropriating \$12,035 from the General Fund Capital Reserve Fund

**ATTACHMENTS:**

1. Resolution
2. 2015-20 CIP Budget Document

**DISTRIBUTION:**

None.

**DATE PREPARED:**

August 17, 2016

**REVIEWED BY:**

\_\_\_\_\_ Fin  
\_\_\_\_\_ CA  
\_\_\_\_\_ ACM  
\_\_\_\_\_ CM

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

**ADOPT RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTANT SERVICES AGREEMENT WITH ARG CONSERVATION SERVICES, INC. (ARG/CS) TO REMOVE, TRANSPORT, FUMIGATE AND TREAT THE HAND CARVED WOODEN TABLEAU AT 324 FLORIDA AVENUE IN THE AMOUNT OF \$53,944; APPROVING A CONTINGENCY OF \$8,091; AND APPROPRIATING \$12,035 FROM THE GENERAL FUND CAPITAL RESERVE FUND**

**WHEREAS**, the City of San Bruno's Capital Improvement Program (CIP) includes the 324 Florida Avenue Property Site Preparation project to demolish and remove the buildings on the property, perform limited salvage of materials from the buildings, remove and treat the contaminated soils, remove and relocate the utilities, level the ground, and fence the perimeter of the property; and

**WHEREAS**, the initial phase of the project will involve demolition, salvage of materials, including a 9 x 10 foot wood carving (tableau) titled "Independence of Switzerland" by Francios Perroset that has historic value, and site remediation of contaminated soils to prepare the property for future improvements; and

**WHEREAS**, Staff has identified the firm of ARG Construction Services, Inc. (ARG/CS) to perform specialized and needed services to remove, transport, fumigate, treat and return to the City the wooden tableau; and

**WHEREAS**, the proposed charges by ARG/CS to perform the services to remove, transport, fumigate, treat and return to the City the wooden tableau are \$53,944, and

**WHEREAS**, Staff has determined that ARG/CS is qualified to perform the above described services based on its research of the firm's qualifications.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council authorizes the City Manager to execute a consultant services agreement with ARG Conservation Services, Inc. (ARG/CS) to remove, transport, fumigate and treat the hand carved wooden tableau at 324 Florida Avenue in the amount of \$53,944; approving a contingency of \$8,091; and appropriating \$12,035 from the General Fund Capital Reserve Fund.

Dated: August 23, 2016

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 23rd day of August 2016 by the following vote:

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

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

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

# Parks & Facilities

# Parks

## Florida Avenue Park

PROJECT #: 51001

Total Project Cost: \$1,390,000

DEPARTMENT: Community Services/Public Services

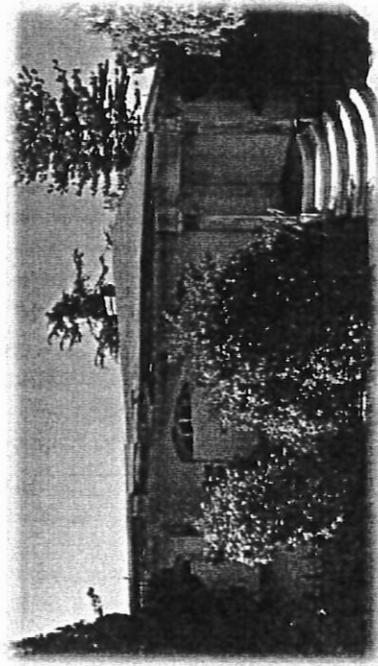
PROJECT APPROPRIATIONS	Prior Appropriations	2016-17		2016/17	2017/18	2018/19	2019/20	2020/21	Total 2016-21 Budget
		Estimated Carryover	New Request						
Site Demolition and Clean Up	\$ 465,000	\$ 435,328	\$ -	\$ 435,328	\$ -	\$ -	\$ -	\$ -	\$ 435,328
Park Planning, Design, and Construction	-	-	625,000	625,000	150,000	-	-	-	775,000
Wood Carving Restoration/Preservation	-	-	50,000	50,000	100,000	-	-	-	150,000
<b>Total</b>	<b>\$ 465,000</b>	<b>\$ 435,328</b>	<b>\$ 675,000</b>	<b>\$ 1,110,328</b>	<b>\$ 250,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,360,328</b>
<b>FUNDING SOURCES</b>									
General Fund Capital Reserve	\$ 465,000	\$ 435,328	\$ 425,000	\$ 860,328	\$ 250,000	\$ -	\$ -	\$ -	\$ 1,110,328
City Art Fund	-	-	50,000	50,000	-	-	-	-	50,000
San Bruno Community Foundation	-	-	200,000	200,000	-	-	-	-	200,000
<b>Total</b>	<b>\$ 465,000</b>	<b>\$ 435,328</b>	<b>\$ 675,000</b>	<b>\$ 1,110,328</b>	<b>\$ 250,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,360,328</b>

**Project Description:** The single family residence located at 324 Florida Avenue was purchased by the City in March 2015 for future use as a neighborhood park. The transformation of the property into a park will preserve historic architectural elements from the property including doors, ceramic tiles, and a wood carving displayed at the 1932 San Francisco World's Fair.

Demolition and remediation of the property has commenced and is anticipated to be completed by late 2016. The neighborhood engagement process is also underway to seek input on the nature and type of amenities users would like incorporated into the park. The park will include both active areas for play and passive areas for people to congregate and relax. Construction of the park is anticipated to commence in early 2017.

**Project Details**

Initial Funding Year	2015/16
Target Completion Year	2016/17
Expended as of June 30, 2016	\$29,672





## City Council Agenda Item Staff Report

CITY OF SAN BRUNO

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**DATE:** August 23, 2016

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

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

**SUBJECT:** Adopt Resolution Authorizing the City Manager to Execute a Contract with Schaaf & Wheeler for Design of the Crestmoor and Lomita Pump Stations and Force Main Replacement Project in an Amount Not to Exceed \$362,748

### **BACKGROUND:**

The Crestmoor and Lomita Pump Stations are two of six sanitary sewer (lift) stations that are operated and maintained by the City. All wastewater is conveyed using lift stations and gravity pipelines to the City of South San Francisco's Shaw Road Pump Station, from where it is pumped to the South San Francisco/San Bruno Water Quality Control Plant (WQCP), which is jointly owned by the two cities but operated by South San Francisco.

In 2011, the City was issued a Cease and Desist Order (CDO) by the San Francisco Bay Regional Water Quality Control Board and also entered into a Consent Decree with San Francisco Baykeeper (Baykeeper), a non-governmental organization, both of which require the City to implement a number of measures targeted at reducing sanitary sewer overflows (SSOs). Both the Crestmoor and Lomita Pump Stations and Force Main Replacement Projects were identified in the Consent Decree to be completed by July 2018. In order to meet the scheduled completion of July 2018, both pump stations are being combined into a single design project which is intended to reduce the overall design cost.

The existing pump station equipment is antiquated and in poor condition. As part of the project, the facilities will be upgraded with new pumps and generator. The pump station will include a new wet well design with submersible pumps that matches the City's design at other recent pump station projects. A grinder will be included in the design to eliminate large solids and debris from entering the pump station thus reducing maintenance and increasing the longevity of the pumps. A new force main, a pressurized pipeline that moves wastewater by pumping, will be installed using a jointless and non-metallic pipeline material, high density polyethylene (HDPE) that is resistant to joint deflection from ground movements and corrosion.

Completion of this project will provide residents with a more reliable sewer infrastructure to prevent future sewer overflows.

### **DISCUSSION:**

The City issued a Request for Proposals (RFP) for professional engineering design services for the Crestmoor and Lomita Pump Stations and Force Main Replacement Project in July

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2016. Staff received three proposals and conducted an evaluation based on the following criteria:

- Project understanding and innovative approach
- Qualifications and experience of the project manager and team
- Qualifications relating to design of sewer pump stations

Although the City is not required to consider cost as a criteria in the selection process, the cost of design services were reviewed. The design proposals ranged from \$363,000 to \$500,000.

Based on the evaluation, staff is recommending Schaaf & Wheeler to provide the professional engineering design for the Crestmoor and Lomita Pump Stations and Force Main Replacement Project. Schaaf & Wheeler has the qualifications and has completed similar design projects for the Cities of South San Francisco, Alameda, San Mateo, Oakland, and Madera. The scope of work includes preparation of a technical memorandum, evaluation of force main alignment alternatives, geotechnical investigation, potholing, surveying, detailed final design, preparation of bid documents, and providing bid and construction support services.

For the project schedule, staff estimates that the design will take approximately ten months to complete with an additional twelve months for the construction. Construction of the project will have impacts such as roadway closure, noise, dust, and accessibility in and out of private properties. However, minimizing the neighborhood impact is one of the goals of the project. Therefore, construction impacts will be evaluated and communicated with the community during the design phase of the project. If awarded, it is anticipated that the design would be completed by June 2017.

#### **FISCAL IMPACT:**

The Wastewater Pump Station Improvement and Replacement Program (Program) includes four (4) pump station projects. The Crestmoor and Lomita Pump Stations and Force Main Replacement Project are two projects within the Program that have a FY 2016-17 appropriation of \$600,000 (\$300,000 for Crestmoor Pump Station and \$300,000 for Lomita Pump station) from the Wastewater Capital Fund for design services. The proposed cost of the design contract with Schaaf & Wheeler is \$362,748.

The estimated total cost for the Crestmoor and Lomita Pump Station and Force Main Replacement Project is as follows:

Design contract with Schaaf & Wheeler	\$ 362,748
Est. Construction Contract	\$ 3,850,000
Est. Construction Contingency	\$ 385,000
Est. Staff Support for design and construction	\$ 300,000
<u>Est. Special Inspection Support</u>	<u>\$ 200,000</u>
Total Crestmoor and Lomita Pump Station and Force Main Replacement Project Estimate:	\$ 5,097,748

Funding in the amount of \$600,000 is available in the FY 2016-17 CIP for design of the Crestmoor and Lomita Pump Station and Force Main Replacement Project and no additional funding is proposed. A contract for construction of this project is anticipated to be awarded during the FY 2017-18 fiscal year and will be programmed accordingly in the CIP budget.

**ALTERNATIVES:**

1. Do not authorize award of this contract and defer the project. The pump station and force main would continue to operate with substantial maintenance requirements and potential risks of SSOs.
2. Direct staff to choose a different design firm from the submitted proposals.
3. Request staff to issue a new request for proposals.

**RECOMMENDATION:**

Adopt resolution authorizing the City Manager to execute a contract with Schaaf & Wheeler for design of the Crestmoor and Lomita Pump Stations and Force Main Replacement Project in an amount not to exceed \$362,748.

**ATTACHMENTS:**

1. Resolution
2. Project Site Map
3. Lomita Pump Station
4. Crestmoor Pump Station
5. FY2016-17 CIP Budget Sheets

**DATE PREPARED:**

August 8, 2016

**DISTRIBUTION:**

None.

**REVIEWED BY:**

\_\_\_\_\_ CM  
\_\_\_\_\_ ACM  
\_\_\_\_\_ FIN

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

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SCHAAF & WHEELER FOR DESIGN OF THE CRESTMOOR AND LOMITA PUMP STATIONS AND FORCE MAIN REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$362,748**

**WHEREAS**, the Crestmoor and Lomita Pump Stations are two of six sanitary sewer pump stations operated by the City to move wastewater to the treatment plant in South San Francisco; and

**WHEREAS**, the pump station and force main are old, in decrepit condition, and in need of rehabilitation and replacement to meet current health and safety standards; and

**WHEREAS**, the City is required by the Consent Decree with San Francisco Baykeeper (Baykeeper) to complete the replacement of the pump stations by July 2018; an

**WHEREAS**, the City has solicited requests for proposals for the consultant design of this project and received three proposals; and

**WHEREAS**, Schaaf & Wheeler was determined to be the most qualified design firm; and

**WHEREAS**, the Crestmoor and Lomita Pump Stations and Force Main Replacement Project is part of the established Wastewater Pump Station Improvement and Replacement Program funded through Wastewater Enterprise funds.

**NOW, THEREFORE, BE IT RESOLVED** that the San Bruno City Council hereby authorizes the City Manager to execute a contract with Schaaf & Wheeler for design of the Crestmoor and Lomita Pump Stations and Force Main Replacement Project in an amount not-to-exceed \$362,748.

Dated: August 23, 2016

ATTEST:

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Carol Bonner, City Clerk

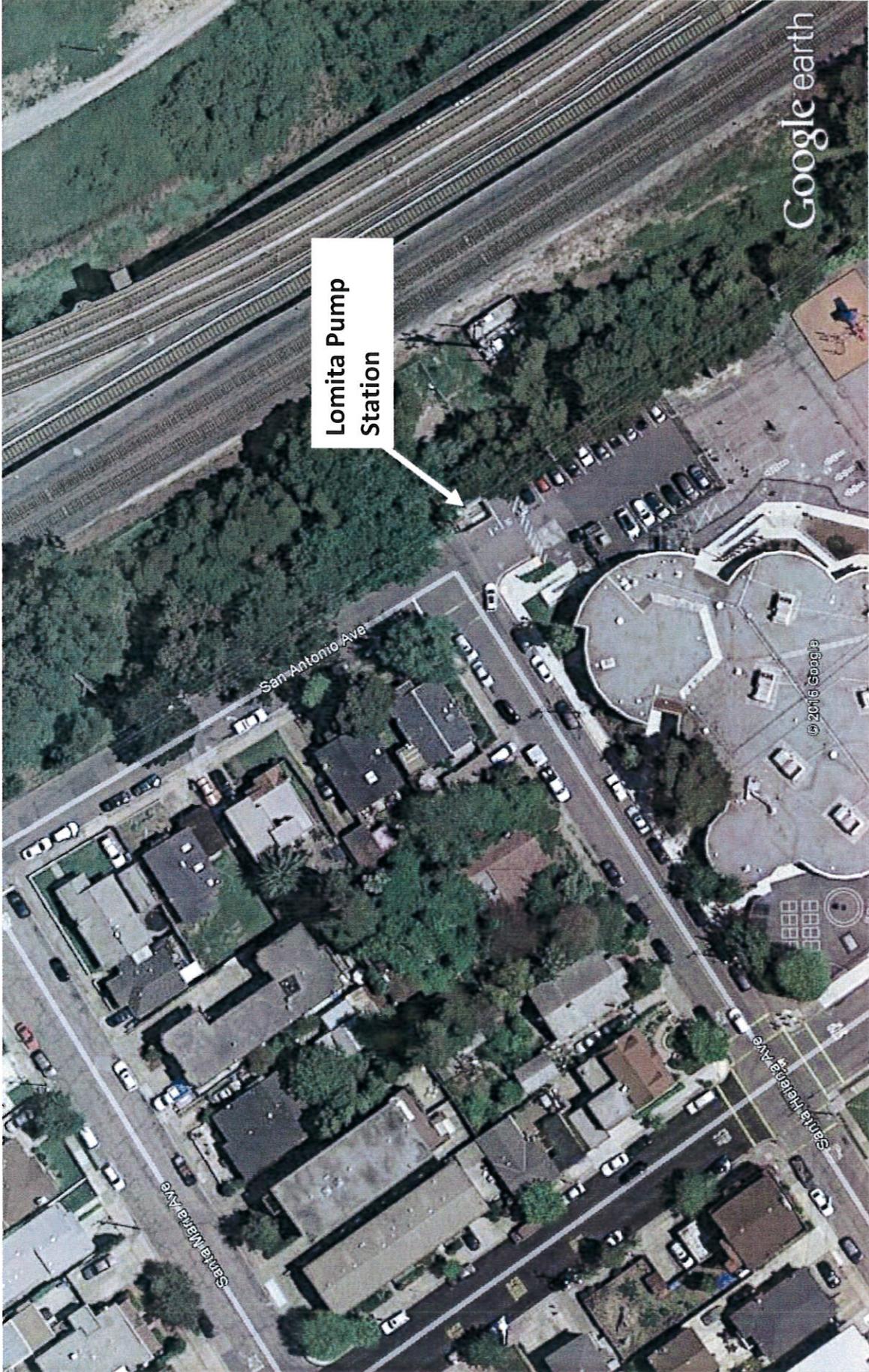
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I, Carol Bonner, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 23rd day of August 2016 by the following vote:

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

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

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

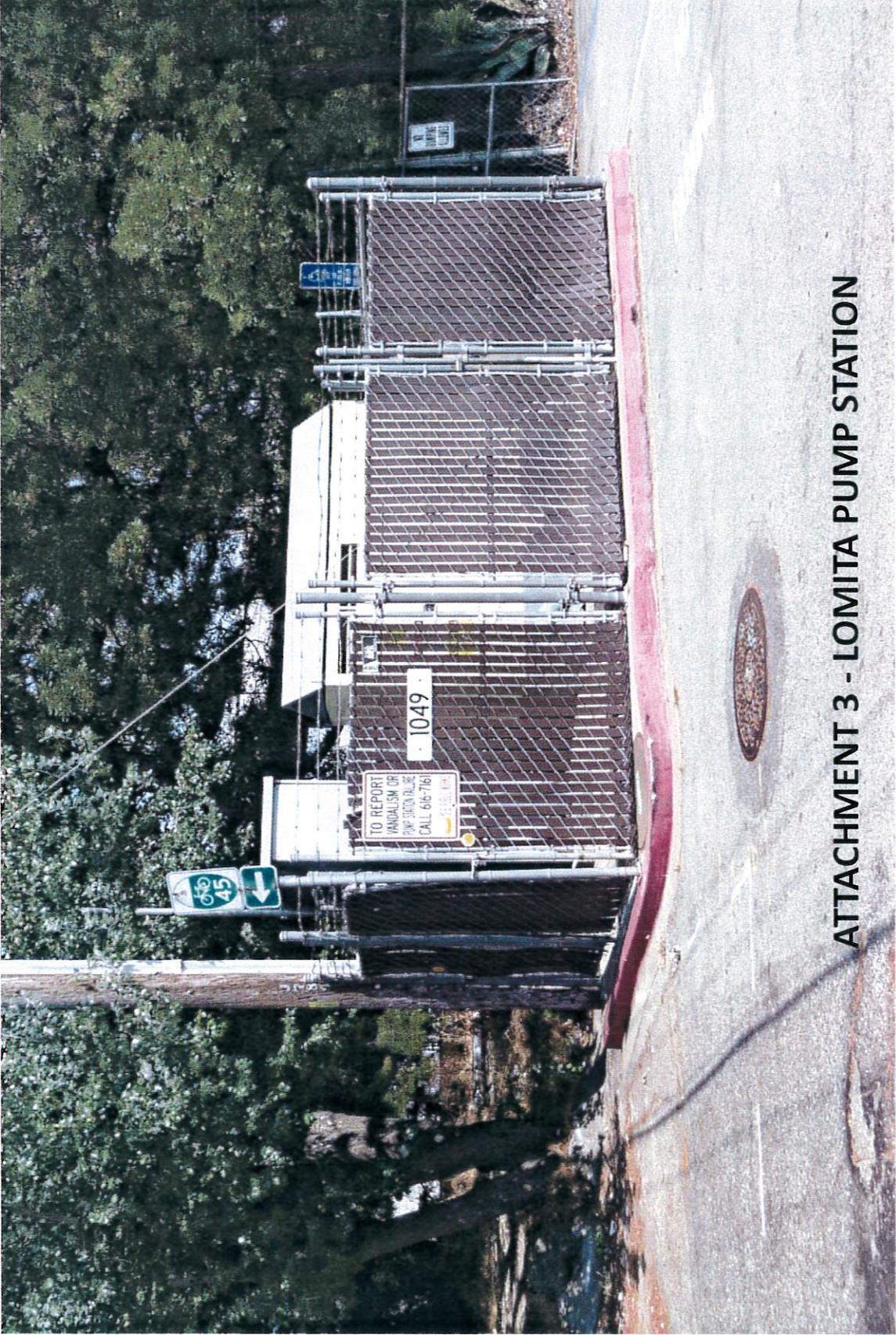




Crestmoor  
Pump Station

Google earth

© 2016 Google



**ATTACHMENT 3 - LOMITA PUMP STATION**



ATTACHMENT 4 - CRESTMOR PUMP STATION

# Wastewater Capital

# Pump Stations

## Wastewater Pump Station Improvement & Replacement Summary

PROJECT #: 84336 | 85111

Total Project Cost: \$11,938,000

DEPARTMENT: Public Services

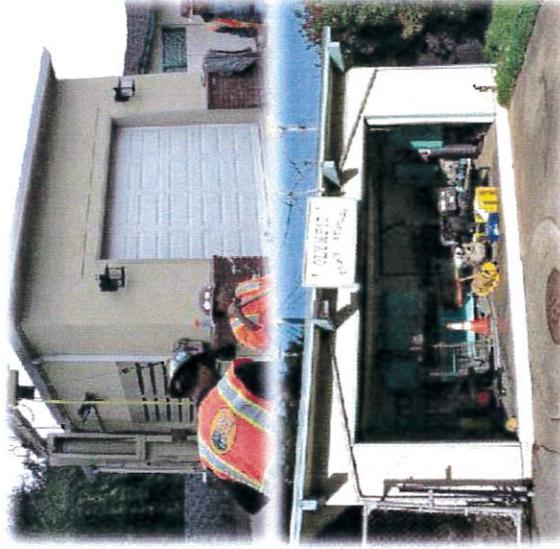
PROJECT APPROPRIATIONS	Prior Appropriations	2016-17		2017/18	2018/19	2019/20	2020/21	Total 2016-21 Budget
		Estimated Carryover	New Request					
Design and Construction	\$ 6,088,000	\$ 2,408,552	\$ 1,250,000	\$ 4,600,000	\$ -	\$ -	\$ -	\$ 8,258,552
<b>FUNDING SOURCES</b>								
Wastewater Fund	\$ 6,088,000	\$ 2,408,552	\$ 1,250,000	\$ 4,600,000	\$ -	\$ -	\$ -	\$ 8,258,552

**Project Description:** The City operates six sanitary sewer pump (lift) stations that convey wastewater from homes and businesses to the Water Quality Control Plant located in South San Francisco. This program includes planning, design and construction phases for improvement or replacement of pump stations and its associated force main pipeline.

The design for Spyglass Pump Station was completed in fiscal year 2015-16 and construction is scheduled to begin in fiscal year 2016-17.

Future pump stations scheduled for improvement or replacement include Crestwood, Crestmoor, and Lomita Pump Stations. Design for the Crestwood and Crestmoor pump stations is scheduled in fiscal year 2016-17 and construction is scheduled to begin in fiscal year 2017-18.

See project detail on the following page.



**Project Details**

Initial Funding Year	2009/10
Target Completion Year	On-going
Expended as of June 30, 2016	\$3,679,448

# Wastewater Capital

# Pump Stations

## Wastewater Pump Station Improvement & Replacement - Project Detail

PROJECT #: 84336 | 85111

DEPARTMENT: Public Services

PROJECT APPROPRIATIONS	Project #	Prior Appropriations	2016-17		2016/17	2017/18	2018/19	2019/20	2020/21	Total 2016-21 Budget
			Estimated Carryover	New Request						
Olympic Pump Station	84336	\$ 3,497,000	\$ 219,692	\$ -	\$ 219,692	\$ -	\$ -	\$ -	\$ -	\$ 219,692
Spyglass Pump Station	85111	2,591,000	2,188,860	400,000	2,588,860	-	-	-	-	2,588,860
Crestmoor Pump Station	Unassigned	-	-	300,000	300,000	-	-	-	-	2,600,000
Crestwood Pump Station	Unassigned	-	-	250,000	750,000	-	-	-	-	1,000,000
Lomita Pump Station	Unassigned	-	-	300,000	1,550,000	-	-	-	-	1,850,000
<b>Total</b>		<b>\$ 6,088,000</b>	<b>\$2,408,552</b>	<b>\$1,250,000</b>	<b>\$3,658,552</b>	<b>\$4,600,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 8,258,552</b>

### FUNDING SOURCES

Wastewater Fund	\$ 6,088,000	\$2,408,552	\$1,250,000	\$3,658,552	\$4,600,000	\$ -	\$ -	\$ -	\$ -	\$ 8,258,552
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City Council Agenda Item  
Staff Report

CITY OF SAN BRUNO

DATE: August 23, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Angela Kraetsch, Finance Director

SUBJECT: Adopt Resolution Authorizing the City Manager to Execute an Agreement with Economic & Planning Systems, Inc. (EPS) for the Preparation of a Development Impact Fee Study in the amount of \$63,735 and Re-Appropriating a Carryover of \$100,000 from the FY 2015-16 Budget

**BACKGROUND**

The City of San Bruno is currently experiencing significant economic growth. As part of a proactive approach the City is seeking to implement strategies, such as a Development Impact Fee program, to address its public infrastructure needs as it continues to grow. New development creates a demand for additional roads, sewer lines, recreational facilities, and other public infrastructure. Development Impact Fees are one-time fees charged to new development that are used to defray some of the costs of providing these additional facilities. In addition to providing the City with an additional source of revenue for critical public infrastructure, impact fees help ensure that new development pays for the public facilities it requires, rather than the cost being borne by the taxpayers in the community. For example, while a mixed use development or a new business park brings welcome business and vitality to the community, it can also bring more vehicles which has an impact on the City's streets, create more burden on the City's Water and Wastewater systems, and increase need for public safety. These needs are offset through the payment of impact fees as appropriate for the type, size, and location of the new development project. .

In 1987 the legislature of the State of California passed AB 1600 or the "Mitigation Fee Act". Government Code Section 66000 (the "Mitigation Fee Act") sets forth requirements that local agencies must follow in order to impose a fee on new development for the purpose of providing new or expanded public capital facilities required to serve the new development. Generally, AB 1600 states that the fee must bear a relationship or nexus to the impact that it is intended to mitigate. This means that there must be a reasonable connection between the "need" for additional facilities and the new development and it must show that the fee payer will "benefit" in some way from the fee. In addition, the calculation of the fee must be based on a proportionate "fair share" formula. If a development impact fee does not relate to the impact created by development or exceeds the reasonable cost of providing public services, then the fee may be declared a special tax and would be subject to a two-thirds voter approval.

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A Development Impact Fee study is needed in order to assist the City with the adoption of a Development Impact Fee Program by assuring compliance with State law and best practices, determining adequate funding for public capital facilities, and providing the nexus for the established fee.

**DISCUSSION**

On May 4, 2016, the Finance Department issued a consolidated Request for Proposals (RFP) from qualified firms to prepare a Development Impact Fee Study, Comprehensive Cost of Services Study, and Cost Allocation Plan Study. The RFP included a separate scope of work for each study and consultants were requested to only propose to the studies that they were qualified to prepare. The FY 2015-16 budget included \$100,000 for a Development Impact Fee Study. Staff included the Comprehensive Cost of Services Study and Cost Allocation Plan in the RFP in order to determine an accurate cost that could be included in the FY 2016-17 Budget.

A total of five qualified consulting firms responded to the Request for Proposal (RFP). A staff committee made up of the City Manager, Public Services Director, Community Development Director, and Finance Director reviewed all proposals based on the RFP requirements. Three firms were selected for interviews based on the quality of their proposals. Following the proposal review and interviews, staff is recommending the firm of Economic & Planning System, Inc. (EPS) to prepare a Development Impact Fee Study.

EPS has completed hundreds of development impact fee nexus studies for jurisdictions throughout California. The cost of the EPS proposal for a Development Impact Fee Study is \$63,735. While the cost proposals from Willdan and DTA were lower than EPS (shown below), the staff committee felt that EPS would meet the needs of the City based on their expertise in preparing these types of studies and their familiarity with the City's economic and financial environment.

The following table lists the proposals by firm:

Firm	Development Impact Fee Study	Total
David Taussig & Associates (DTA)	\$ 35,000	\$ 35,000
Willdan Financial Services	55,130	55,130
Economic & Planning Systems, Inc (EPS)	63,735	63,735
Matrix Consulting Group	110,560	110,560
Domain Experts Corporation (DEC)*	193,500	193,500
*Proposal did not break out cost per type of study		

## **FISCAL IMPACT**

The FY 2015-16 Budget included \$100,000 for a Development Impact Fee Study. The total cost for the Development Impact Fee Study is \$63,735 and is within this amount. In order to use these funds in the current fiscal year, this amount must be re-appropriated to the FY 2016-17 Budget. The remaining \$36,000 is proposed to be used for completion of the Cost Allocation Plan Study and the Comprehensive Cost of Services Study.

## **ALTERNATIVES**

1. Direct staff to engage another firm to conduct the study.
2. Recirculate the Requests for Proposals to seek alternative proposals.

## **RECOMMENDATION**

Adopt resolution authorizing the City Manager to execute an agreement with Economic & Planning System, Inc. (EPS) for the preparation of a Development Impact Fee Study in the amount of \$63,735 and re-appropriate a carryover of \$100,000 from the FY 2015-16 Budget.

## **DISTRIBUTION**

None

## **ATTACHMENT**

Resolution

## **DATE PREPARED**

July 20, 2016

## **REVIEWED BY**

\_\_\_\_\_CM

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

**ADOPT RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ECONOMIC & PLANNING SYSTEMS, INC. (EPS) FOR A DEVELOPMENT IMPACT STUDY IN THE TOTAL AMOUNT OF \$63,735 AND RE-APPROPRIATE A CARRYOVER OF \$100,000 FROM THE FY 2015-16 BUDGET**

**WHEREAS**, the City requested proposals from qualified consultants to conduct a comprehensive Development Impact Fee Study on May 4, 2016; and

**WHEREAS**, the City does not have an established Development Impact Fee Program; and

**WHEREAS**, Government Code Section 66000 (the "Mitigation Fee Act") sets forth requirements that local agencies must follow in order to impose a fee on new development for the purpose of providing new or expanded public capital facilities required to serve the new development; and

**WHEREAS**, a Development Impact Fee Study will assist the City with the adoption of a Development Impact Fee Program by assuring compliance with State law and best practices, determining adequate funding for public capital facilities, and providing the nexus for the established fee; and

**WHEREAS**, Economic & Planning Systems, Inc. was determined to be most qualified to conduct a Development Impact Fee Study for a total amount of \$63,735; and

**WHEREAS**, the re-appropriation of \$100,000 ensures that previously authorized funds are available in the current year budget to cover the cost of the uncompleted study; and

**NOW, THEREFORE**, the City Council of the City of San Bruno hereby resolves that the City Manager is authorized to execute an agreement with Economic & Planning Systems, Inc. for a Development Impact Study in the total amount of \$63,735.

**BE IT FURTHER RESOLVED**, that carryover funds from fiscal year 2015-16 in the amount of \$100,000 be reappropriated to the fiscal year 2016-17 Budget to cover the cost of the Development Impact Fee Study.

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I hereby certify the foregoing Resolution No. 2016-\_\_\_\_\_ was introduced and adopted by the San Bruno City Council at a regular meeting on August 23, 2016 by the following vote:

AYES:

NOES:

ABSENT:

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



**City Council Agenda Item  
Staff Report**

CITY OF SAN BRUNO

**DATE:** August 23, 2016

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

**FROM:** Angela Kraetsch, Finance Director

**SUBJECT:** Adopt Resolution Authorizing the City Manager to Execute an Agreement with Willdan Financial Services for the Preparation of a Comprehensive Cost of Service Study and Cost Allocation Plan in the Total Amount of \$35,795

**BACKGROUND**

The City last completed a full Cost of Services (User Fee) Study and Cost Allocation Plan (CAP) in 2006. The recommendations for the User Fee portion of the study were incorporated into the City's Master Fee Schedule. Since that time the Master Fee Schedule has been reviewed and updated annually. The City's organizational structure and the manner in which services are provided have changed significantly in the last 10 years. A new study is needed to ensure that the City's fees are updated to reflect the latest cost information. The study will identify the full costs of providing each service, including direct, indirect, and overhead costs. Identifying the full cost of a services will assist in determining the appropriate fee for each service and prevent the subsidization of individual services with tax payer dollars. As a general rule, the burden of paying for specific government services should be borne by those that benefit from the service.

The purpose of a Cost Allocation Plan is to ensure that indirect costs associated with central services, such as Payroll and Human Resources, are appropriately allocated to departments or Funds that receive services from those central departments. Furthermore, best practices, accounting standards, and OMB Circular A-87 make it necessary for the City to maintain a well-documented Cost Allocation Plan that will help to appropriately allocate general and administrative costs in the budget and properly identify overhead rates that can be used in the calculation of billable hourly rates for Federal and State grants, user fees, and reimbursements from other agencies.

**DISCUSSION**

On May 4, 2016, the Finance Department issued a Request for Proposals (RFP) from qualified firms to prepare a Comprehensive Cost of Services Study and Cost Allocation Plan Study. The RFP also included the preparation of a Development Impact Fee Study to identify proposed fees to be assessed to new development for infrastructure and public improvements associated with the new development. The RFP included a separate scope of work for each study and consultants were requested to only propose

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to the studies that they were qualified to prepare. The FY 2015-16 budget included \$100,000 for a Development Impact Fee Study. Staff included the Comprehensive Cost of Services Study and Cost Allocation Plan in the RFP in order to determine an accurate cost that could be included in the FY 2016-17 Budget. However, once the proposals were received it was clear that all three studies could be prepared within the previously approved budget amount of \$100,000.

A total of four qualified consulting firms responded to the Request for Proposals (RFP). A staff committee made up of the City Manager, Public Services Director, Community Development Director, and Finance Director reviewed all proposals based on the RFP requirements. Staff is recommending the firm of Willdan Financial Services to prepare a Comprehensive Cost of Services Study and Cost Allocation Plan Study.

Willdan Financial Services has conducted numerous studies for public agencies throughout California for nearly two decades. The cost of the Willdan proposal for a Comprehensive Cost of Services Study is \$23,840 and a Cost Allocation Plan is \$11,955.

The following table lists the proposals by cost and study type:

Firm	Cost of Services Study	Cost Allocation Plan	Total
Willdan Financial Services	23,840	11,955	35,795
Matrix Consulting Group	40,080	16,800	56,880
Domain Experts Corporation (DEC)*	-	-	193,500
MGT of America	45,980	7,600	53,580
*Proposal did not break out cost per type of study			

**FISCAL IMPACT**

The FY 2015-16 Budget includes \$100,000 for a Development Impact Fee Study. The actual cost for the Development Impact Fee Study is \$63,735 which leaves funding in the amount of \$36,265 available to be used to cover the costs associated with the Cost of Services Study and the Cost Allocation Plan. By separate action of the City Council on the August 23, 2016 meeting agenda, the \$100,000 is recommended to be carried forward and reappropriated to the fiscal year 2016-17 Budget to cover the cost of these studies. Staff is recommending using this savings to update the Cost of Services Study and Cost Allocation Plan.

Below is a breakdown of costs per study type:

• Development Impact Fee Study	\$63,735
• Cost of Services Study	23,840
• Cost Allocation Study	<u>11,955</u>
	<b><u>\$99,530</u></b>

**ALTERNATIVES**

1. Direct staff to engage another firm to conduct the studies.
2. Recirculate the Requests for Proposals to seek alternative proposals.

**RECOMMENDATION**

Adopt resolution authorizing the City Manager to execute an agreement with Willdan Financial Services for the preparation of a Comprehensive Cost of Services Study and a Cost Allocation Plan in the total amount of \$35,795.

**DISTRIBUTION**

None

**ATTACHMENT**

Resolution

**DATE PREPARED**

July 20, 2016

**REVIEWED BY**

\_\_\_\_\_CM

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

**ADOPT RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WILLDAN FINANCIAL SERVICES FOR A COMPREHENSIVE COST OF SERVICES STUDY AND COST ALLOCATION PLAN STUDY IN THE TOTAL AMOUNT OF \$35,795**

**WHEREAS**, the City requested proposals from qualified consultants to conduct a Comprehensive Cost of Services Study and a Cost Allocation Plan Study on May 4, 2016; and

**WHEREAS**, the City last completed a full Cost of Services (User Fee) Study and Cost Allocation Plan update in 2006; and

**WHEREAS**, a Comprehensive Cost of Services Study will ensure that cost calculations are updated to reflect the latest cost information and that the burden of paying for specific government services will be borne by those that benefit from the service; and

**WHEREAS**, a Cost Allocation Plan Study will ensure that indirect costs associated with central services are appropriately allocated to departments or Funds that receive services from those central departments.

**WHEREAS**, Willdan Financial Services was determined to be most qualified to conduct a Comprehensive Cost of Services Study in the amount of \$23,840 and a Cost Allocation Plan Study in the amount of \$11,955; and

**NOW THEREFORE**, the City Council of the City of San Bruno hereby resolves that the City Manager is authorized to execute an agreement with Willdan Financial Services for a Comprehensive Cost of Services Study and Cost Allocation Plan Study in the total amount of \$35,795.

--oOo--

I hereby certify the foregoing Resolution No. 2016-\_\_\_\_\_ was introduced and adopted by the San Bruno City Council at a regular meeting on August 23, 2016 by the following vote:

AYES:

NOES:

ABSENT:

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