AGENDA

SAN BRUNO CITY COUNCIL

SPECIAL MEETING

September 10, 2019

5:00 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. All regular Council meetings are recorded and televised on CATV Channel 1 and replayed the following Thursday, at 2:00 pm. 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 650-616-7061, or email your request to Melissa Thurman, City Clerk at mthurman@sanbruno.ca.gov.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA
   Individuals allowed three minutes, groups in attendance, five minutes. It is the Council’s policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendized pursuant to State Law.

4. CLOSED SESSION – 5:00 p.m.:
   a. Conference with Labor Negotiators Pursuant to Gov’t Code Section 54957.6
      Agency Designated Representatives: City Manager and Assistant City Manager Employee Organizations: San Bruno Management Employee Association, Mid Management Unit, Public Safety Mid Management Unit and Miscellaneous Unit.
   b. Conference with Legal Counsel – Anticipated Litigation
      • Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2) - One Case

5. SPECIAL MEETING - 6:00 p.m.:
   a. Appeal from Denial of Application of Cardroom Work Permit.

      The next Regular City Council Meeting will be held on September 10, 2019 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.
DATE: September 10, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Lance Bayer, Special Counsel

SUBJECT: Appeal From Denial of Application of Cardroom Work Permit

BACKGROUND:

Truc Xuan Ma originally was granted a temporary cardroom work permit as a chip runner for Artichoke Joe’s Casino in January of 2018. In order to obtain a regular cardroom work permit, the Police Department conducted a background check.

In her application, Ms. Ma stated that she had been arrested for selling a pipe in 2015 that was determined to be narcotics paraphernalia used for smoking controlled substances. The San Bruno Police Department investigated and reviewed Ms. Ma’s conduct resulting in the 2015 arrest and has determined that her conduct constituted acts of dishonesty and moral turpitude, including Ms. Ma lying to a law enforcement agent about her date of birth.

On June 25, 2019, San Bruno Police Chief Ed Barberini notified Ms. Ma in writing of the denial of application for a regular cardroom work permit. (Attachment 1) Ms. Ma appealed Chief Barberini’s decision.

DISCUSSION:

Truc Xuan Ma has been a card runner at Artichoke Joe’s Casino since 2018 based on a temporary cardroom work permit pending a Police Department background check. In her initial application, Ms. Ma stated that she had been arrested for selling a pipe in 2015. (Attachment 2)

In her application, Ms. Ma that she had been arrested for "selling a pipe" in San Jose in 2015 and the disposition was that she had paid a fine. The report of the incident was requested and received from the California Department of Alcoholic Beverage Control after several efforts by the Police Department to obtain the report. The report stated that ABC Agents had responded to Jack’s Liquor, 2298 Story Road, San Jose, regarding a complaint of narcotics paraphernalia being sold at the location. An undercover agent purchased a glass pipe used for ingesting controlled substances, and Truc Ma was the employee that had sold the pipe. While she was being arrested, Ms. Ma initially told to agent that her date of birth was December 1, 1993. A short time later, Ms. Ma admitted that her date of birth was actually December 1, 1996, which was confirmed via her California Driver License. When she was asked why she had lied, Ms. Ma told the agent that she didn't want to get in trouble for selling alcohol as an eighteen year

ITEM 5.a.
old. At the time of the arrest, Ms. Ma also told the agent that she did not know it was illegal to sell the pipes. Ms. Ma was charged with providing false evidence of identity to a law enforcement officer, in violation of Penal Code section 148.9. This charge was dismissed pursuant to a plea bargain, but Ms. Ma was convicted of violation of Health and Safety Code section 11364.7, sale of drug paraphernalia, for which she served two years on court probation.

SBMC 4.36.065: The chief of police may deny the application for a gambling club license if he or she makes any of the following determinations:

D. That the applicant, or any present or proposed manager or designated responsible employee of the applicant, or any person who has a financial interest in the applicant has done any act involving dishonesty, moral turpitude, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another;

On June 6, 2019, Commander Geoff Caldwell spoke with Ms. Ma. She told Commander Caldwell that the owner of the business had told her that it was ok to sell the pipes to customers and that she did not know it was illegal. As for not being truthful about her date of birth, Ms. Ma said she was scared when she was being arrested. She said that she knew it was wrong to lie to the police and was apologetic about the incident.

San Bruno Municipal Code section 4.36.110 – Work permits – Denial of application, states, in part, as follows:

B. The chief of police may deny the application for a work permit if he or she makes any of the following determinations:

   1. That the applicant has within ten years immediately preceding the filing of the application been convicted in a court of competent jurisdiction of an offense enumerated in Section 4.36.065, or has engaged in conduct constituting any such offense.

San Bruno Municipal Code section 4.36.065 Application—Discretionary denial states, in part, as follows:

   The chief of police may deny the application for a gambling club license if he or she makes any of the following determinations:

D. That the applicant, or any present or proposed manager or designated responsible employee of the applicant, or any person who has a financial interest in the applicant has done any act involving dishonesty, moral turpitude, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another;

Ms. Ma’s conduct as detailed by the California Alcoholic Beverage Control Board comes within the provisions of section 4.36.065. Significantly, Ms. Ma sold a prohibited item in a retail store and when apprehended, lied to a law enforcement officer about her date of birth.
RECOMMENDATION:

Staff recommends that Truc Ma’s work permit application for Artichoke Joe’s Casino be denied per SBMC 4.36.140.

RECOMMENDED FINDINGS OF FACT:

1. In 2015, Truc Ma committed a violation of Penal Code section 148.9, a crime involving dishonesty and moral turpitude.

RECOMMENDED DETERMINATIONS:

1. Truc Ma’s work permit application for Artichoke Joe’s Casino be denied per SBMC 4.36.140 based on the findings of fact.
2. Truc Ma’s appeal is denied.

ATTACHMENTS:

1. June 25, 2019 Letter to Truc Ma denying the application for her cardroom work permit.
2. Application of Truc Ma for cardroom work permit
3. Copy of San Bruno Municipal Code Chapter 4.36

LEGAL NOTICE:

1. June 25, 2019 Letter to Truc Ma denying the application for her cardroom work permit.
   (Attachment 1)
June 25, 2019

Ma, Truc Xuan

Dear Ms. Ma:

I have received your renewal application for a Cardroom Work Permit from Artichoke Joe's Casino. Upon reviewing the background investigation for the permit, you disclosed a prior arrest.

You reported being arrested in 2015 for "selling a pipe" while working at a liquor store in San Jose. Alcohol Beverage Control agents arrested you at the liquor store for selling narcotic paraphernalia, specifically meth pipes. Upon contact with the ABC agents, in an attempt to avoid responsibility you lied about your identity. You were subsequently arrested for sales of narcotics paraphernalia as well as providing false information to a peace officer.

The aforementioned incident was investigated by the San Bruno Police Department. Your actions as detailed in this report is sufficient evidence to deny your card room application at this time.

SBMC 4.36.065 Application—Discretionary denial.

The chief of police may deny the application for a gambling club license if he or she makes any of the following determinations:

D. That the applicant, or any present or proposed manager or designated responsible employee of the applicant, or any person who has a financial interest in the applicant has done any act involving dishonesty, moral turpitude, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially inure another;

Pursuant to San Bruno Municipal Code Section 4.36.110, there is sufficient grounds to deny your card room application. The denial will become effective immediately.
Under Municipal Code Section 4.36.150, you have the right to appeal this denial of application action to the San Bruno City Council by filing a notice of appeal with the City Clerk no later than ten city working days from the date of this letter.

If you have any questions regarding this matter, you can contact my office at (650) 816-7110.

Sincerely,

[Signature]

Ed Barberini
Chief of Police

C: Jovan Grogan, City Manager
Marc Zafferano, City Attorney
Melissa Thurman, City Clerk
Division of Gambling Control
A. Kumar, Artichoke Joes Casino
SAN BRUNO POLICE DEPARTMENT

CARDROOM WORK PERMIT APPLICATION

APPLICATION FOR: Chip Runner

(Name)

Last TRUC
First XUAN
Middle

Alias Name(s):

Last
First
Middle

Height: 5'6
Weight: 185
Hair Color: Black
Eye Color: Black
Male

Race: Black

Social Security #: [redacted]

Place of Birth: [redacted]

City / State / Country

Current Address: [redacted]

Address / City / State / Zip: [redacted]

Dates at location: 6-2016 to present

If you have resided at your present address for less than five (5) years, list \textit{ALL} of the address(es) that you have lived at within the past five (5) years:

Address / City / State / Zip: [redacted]

Dates at location: 6-2016 to present

Address / City / State / Zip: [redacted]

Dates at location: 4-2015 to 5-2016

Address / City / State / Zip: [redacted]

Dates at location: 2014 to 8-2015

Home Phone #: N/A

Cell Phone #: [redacted]

Driver License #: [redacted]

State: CA

Expiration Date: 12-01-2016

Have you ever possessed a driver license from another State or Country? 

Yes

No

If you answered yes, provide the following information (if more space is needed, list additional licenses on Supplemental Application Answer Sheet, page 5):

Driver License #: [redacted]

State: [redacted]

Expiration Date: [redacted]
Present Employer(s) (If you have more than one present employer, list additional employers on Supplemental Application Answer Sheet, page 5):

____________________________________________________________________________________

Company Name

____________________________________________________________________________________

Address/City/State/Zip

Position or Title: ________________________________________________________________

From: ___________ Month / Year To: ___________ Month / Year

If you have been employed by your present employer for less than five (5) years, list ALL of the employers you have worked for within the past five (5) years (space has been allocated for two (2) previous employers, if you have been employed by more than two (2) employers within the last five (5) years, provide detailed information on each employer on the Supplemental Application Answer Sheet, page 5):

Previous Employer:

____________________________________________________________________________________

Company Name: San Francisco Airport

Address/City/State/Zip

Position or Title: Aircraft Cleaner

From: 10/1/2016 To: 1/1/2017

Month / Year Month / Year

Previous Employer:

____________________________________________________________________________________

Company Name: Thien Hong Restaurant

Address/City/State/Zip

Position or Title: Waitress, Cashier, Barista

From: 3/1/2017 To: 12/1/2019

Month / Year Month / Year

Have you ever been arrested?

Yes: [ ] No: [ ] I do not understand the question: ________________________________

If yes, complete the following (circle M for misdemeanor, F for Felony, and I for Infraction, list ALL arrests even if the arrest did not result in a conviction. Failure to disclose information and/or misstating information may be grounds for the denial of a work permit.

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<th>Offense</th>
<th>Date</th>
<th>Location (City, State)</th>
<th>Disposition</th>
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<tbody>
<tr>
<td>Selling a pipe</td>
<td>M</td>
<td>2015</td>
<td>San Jose</td>
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Page 2 of 6
Have you ever been questioned and/or investigated as a possible suspect for any crime by any law enforcement agency (other than those listed above):

Yes: __________ No: __________ I do not understand the question: __________

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**CARDROOM WORK PERMIT APPLICANT QUESTIONNAIRE**

1) Are you now on bail, probation, PRCS, parole or released from custody on your own recognizance? Yes: __________ No: __________ I do not understand the question: __________

2) Have you ever been questioned and/or investigated about your participation in any gaming activity by any agent of a gaming control board or other law enforcement officer? Yes: __________ No: __________ I do not understand the question: __________

3) Have you ever been refused or denied any work permit, license, or approval related to any cardroom, gaming or pari-mutuel wagering establishment by the owner, a law enforcement agency, or a governmental agency? Yes: __________ No: __________ I do not understand the question: __________

4) Have you ever been prohibited from being present on the premises of any gaming or pari-mutuel wagering establishment by the owner, a law enforcement agency/officer, or a governing agency? Yes: __________ No: __________ I do not understand the question: __________

5) Have you ever been denied a license or had a license issued to you suspended or revoked? Yes: __________ No: __________ I do not understand the question: __________

6) Other than a driver license, have you ever had a license issued by a governmental authority (including a gaming license)? Yes: __________ No: __________ I do not understand the question: __________

If you answered "Yes" to any of the questions (1 through 6) above, provide a detailed explanation surrounding each incident. Be sure to write the number of the question at the beginning of each explanation.

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(If more space is needed, use the Supplemental Application Answer Sheet, page 5)
The undersigned applicant certifies that the foregoing information that has been documented on this application (plus any supplemental answer sheet(s)) is, to the best of his/her knowledge and belief true and accurate, and further state that this certification is made with the full knowledge that any failure to disclose, omit, misstate, or otherwise attempt to mislead will be considered sufficient cause for denial of a permit/license for which you are applying or revocation of a permit/license issued.

I understand that a person shall not be employed as an employee of a gaming club unless he or she first has been issued a valid, unexpired, and unrevoked work permit.

I further understand that if I am issued the permit for which I am applying, the actual permit is the property of the City of San Bruno. If my employment with ___________________________Casino ceases, no matter what the reason, I agree to immediately return the issued permit to the San Bruno Police Department licensing representative. I understand the San Bruno Police Department will retain the permit, which will remain valid until the expiration date specified on the permit. I understand I must be employed by a licensed establishment to perform the activity for which the permit was issued. If I leave my position at any time, and I am retired by a business licensed by the City of San Bruno to carry on the activities allowed by the permit, my unexpired permit will be returned by presenting an "offer of employment" from the business licensed to perform the activity for which the permit was issued. I understand that I must complete a background investigation prior to my work permit being returned.

I also understand that I may, at the discretion of the Chief of Police or his/her designee, be issued a temporary permit for the position which I am applying. The temporary permit, if issued, is intended to afford me the opportunity to commence employment with a designated licensee while a full and complete background is being conducted on me. I understand that the Chief of Police, dependent upon information contained in my application, has the authority and the right to not issue a temporary permit. If a temporary permit is not issued, I understand that I cannot act in the capacity of a dealer, manager, or designated responsible employee, or perform any function directly connected with the operation of legal gaming in a gaming club until a card room work permit is issued to me. I understand that if my application is denied, I agree to immediately surrender the temporary permit which is the property of the City of San Bruno, the San Bruno Police Department Licensing Representative.

Date: 1-15-2018

Witness Signature _______________________

Witness printed or typed name _______________________

Date: 1-15-2018

Applicant's Signature ______________

Applicant's printed or typed Name _______________________

I thoroughly understand each question asked in this application form (check appropriate response):

✓ Yes ___ No ___ I do not understand the question

I have completed the application form without the need, or the assistance of a translator (check the appropriate response):

✓ Yes ___ No ___ I do not understand the question

If you required assistance and/or a translator to complete this application form, provide the following information: The below section must be completed and signed by the translator:

I ___________________________ certify that I assisted and/or translated all information on this application form, plus supplemental answer sheets for the applicant, ___________________________. I explained each question in detail and the applicant thoroughly understood each question asked, prior to answering same.

Translator's Signature ___________________________ Translator's Title ___________________________ Date _______________

Translator's printed or typed Name ___________________________ Translator's Driver's License # or other valid Identification ___________________________

Language (Including Dialect) Translated

Page 4 of 6
5614515 Tran Phu, Ninh Kieu, Can tho City
Viet Nam 1996 - 2014

Cleaning Cloth shop in Capitol Expressway, San Jose
in the end of 2016.
RE: AUTHORIZATION OF DISCLOSURE OF INFORMATION ON CARDROOM WORK PERMIT APPLICANT

Applicant Name: True Xuan Ma

Applicant's Date of Birth: __________

Applicant's Driver License Number: __________

I am an applicant for a Cardroom Work Permit to be issued by the City of San Bruno. The San Bruno Police Department will inquire into all areas of my background which may affect my suitability to qualify for this permit, and they have reason to believe that you may have information relevant to that purpose which pertains to me.

I hereby authorize you, your organization, and/or persons in your employ to release any and all information which you may have about me, including information which may be of a confidential, privileged, and/or derogatory nature. I release and hold you, your organization, its officers, agents, or assigns harmless for any liability or damages, whether in law or in equity, for furnishing information requested by the bearer of this authorization/waiver form.

I hereby waive all rights and privileges under Labor Code Section 1054, which reads, "... In addition to and apart from the criminal penalty provided any person or agent or officer thereof, who violates any provision of Section 1050 to 1052, inclusive, is liable to the party aggrieved in a civil action, for treble damages. Such civil action may be brought by such aggrieved person or his assigns, or successors in interest, without first establishing any criminal liability under this article."

I have specifically and permanently waived my right to review or inspect any and all information developed in this background investigation, so your response will be completely confidential. You may retain a copy of this original form for your files. I hereby authorize a facsimile copy of the authorization to be treated as valid as the original.

The waiver is valid for 12 months from the below noted date.

I have read and understand the conditions of this release. My signature is verification of my understanding and waiver as specified above.

Applicant's Signature: True Xuan Ma

Applicant’s Printed or Typed Name:

Date Release Signed: 1-18-18

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

State of California
County of San Mateo

On 1-18-18 before me, KAREN ONO, Notary Public, personally appeared True Xuan Ma, who swore to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Signature (Seal)

Revised 06/16
Page 1 of 2
AUTHORIZATION OF DISCLOSURE OF INFORMATION ON CARDROOM WORK PERMIT APPLICANT; (TRANSLATOR INFORMATION)

I completed the Authorization Form without the need, or the assistance of a translator (check the appropriate response):

Yes          No

[Signature]
Applicant Signature

1-15-2018
Date Signed

If you required assistance and/or a translator to complete this Authorization Form, provide the following information:

The below section must be completed and signed by a translator, if one was used:

I, _______________________________ certify that I translated all information in this Authorization Form for the applicant, _______________________________.

I accurately explained all the information contained in this Authorization Form and the applicant thoroughly understood all of the details of the form prior to signing the form.

[Signature]
Translator's Signature (if used)

[Signature]
Date Translated

Translator's Printed Name

Translator's Title

Translator's Work Phone

Language and Dialect Translated

Revised 03/16
4.36.010 Definitions and constructions.

As used in this chapter, the following words, phrases, and terms shall have the following meanings:

A. “Applicant” means the individual, sole proprietorship, partnership, business, corporation, limited liability company, trust or officer, partner or director thereof applying for or otherwise seeking to operate a gambling club pursuant to this chapter.

B. “Board” means the California Gambling Control Board.

C. “Chief of police” means the chief of police of the city of San Bruno or his or her designee, who shall be a peace officer pursuant to California Penal Code Section 830 et seq.

D. “City” means the city of San Bruno, California.

E. “Commission” means the California Gambling Control Commission.

F. “Conducted” shall include the terms “operated,” “engaged in,” “allowed,” “permitted” and “suffered” within its meaning.

G. “Conviction” means a plea or verdict of guilty or a conviction following a plea of nolo contendere. The record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the chief of police may inquire into the circumstances surrounding the commission of the crime for purposes of applying the provisions of this chapter.

H. “Designated responsible employee” means an employee who shall have the responsibility for the operation of the gambling club in the absence of a manager or the licensee himself or herself except that no employee other than a manager shall have the power to perform, or shall actually perform, the four specific duties set forth in subsection T of Section 4.36.010.

I. “Division” means the Division of Gambling Control of the Department of Justice of the State of California.

J. “Employee” means any natural person employed in the operation of a gaming club including, without limitation, dealers, floormen, security employees, account room personnel, cage personnel, collection personnel, surveillance personnel, data processing personnel, appropriate maintenance personnel, waiters and waitresses, and secretaries or any other natural person whose employment duties require or authorize access to restricted gaming establishment areas.

L. “Financial interest” means any direct or indirect interest in the management, operation, ownership, profits or revenue (gross or net) of a gambling club. A “direct financial interest” means a monetary investment in a gambling club or the premises and business enterprises directly related to it. An “indirect financial interest” means owning one percent or more of any entity, i.e., any business, corporation, limited liability company, partnership or trust, that in turn has a direct financial interest in a gambling club. The following are examples of indirect financial interests:

1. The stock or other securities of a corporation that owns a gambling club;
2. A partnership interest in a partnership that owns a gambling club;
3. A membership interest in a limited liability company that owns a gambling club;
4. The interests of either or both the income beneficiaries or remaindermen of a revocable or irrevocable trust that owns a gambling club or holds a financial interest in one;
5. Any lease or other rental agreement with a gambling club as a lessee or renter, the rental for which is based in any part on the profits or revenue (gross or net) of the gambling club;
6. Any loan made by a private lender to a gambling club;
7. Any other interest in the management, operation, profit, revenue (gross or net) of a gambling club.

ATTACHMENT 3
M. “Gambling club” means any establishment where legal gambling or gaming is conducted or licensed and regulated pursuant to this chapter, specifically including any business or other enterprise that conducts or operates legal gambling or gaming. “Gambling club” does not include any facility operated by a bona fide exempt organization as defined by this chapter.

N. “House player” means an employee engaged, financed, or paid by the licensee for the purpose of starting and/or maintaining a sufficient number of players in a card game.

O. “Independent agent” means any person other than an employee who does either of the following:
   1. Approves or grants the extension of gambling credit on behalf of a gambling licensee or collects debt evidenced by a credit instrument;
   2. Contracts with an owner licensee, or an affiliate thereof, to provide services consisting of arranging transportation or lodging for guests at a gambling establishment.

P. “Interested person” means any member, stockholder, officer, director, partner, principal, associate, individual, trustee, or combination thereof holding any financial interest in a licensee, or who has the power to exercise influence over the operation of a gambling club or a licensee.

Q. “Legal gambling” means any card or other game except for bingo, played for currency, check, credit or any other thing of value which is not prohibited and made unlawful by Chapter 9 (commencing with Section 319) or Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code, or otherwise prohibited by any ordinance of the city of San Bruno.

R. “License” means the authorization pursuant to this chapter to operate a gambling club.

S. “Licensee” means the individual or entity that owns a gambling club and to whom a license to operate a gambling club has been issued by the city.

T. “Manager” means anyone who represents the interest of the licensee in the operation of a gambling club, whose duties include but may not be limited to:
   1. The making or changing of policy;
   2. Approving credit;
   3. Hiring or firing of employees; or
   4. Generally exercising independent judgment in the operation of the gambling club. A manager need not have a financial interest in the gambling club.

A manager must be an employee of the licensee, or if not an employee, then a person having a financial interest as a partner, a shareholder, member or trustee of the gambling club (but not otherwise).

U. “Moral turpitude” means an act that grossly violates moral sentiment or accepted moral standards of the community.

V. “Organized crime” means a structured criminal syndicate composed of professional criminals who primarily rely on unlawful activity as a way of life.

W. “Permitted transferee of a license” shall be any one or more of a group consisting of a licensee and the spouse on July 1, 1987, child or any descendant (either natural or adopted while a minor), brother, sister, or parent of any licensee or qualified transferor. A “permitted transferee of a license” shall also include:
   1. Any custodian under the California Uniform Gift to Minors Act, executor, administrator (an administrator with the will annexed), conservator or guardian of a licensee or of a permitted transferee of a license; and
   2. Any trustee of a living or testamentary trust, revocable or irrevocable, established at any time by a licensee or qualified transferor for the exclusive benefit of a licensee and or any one or more of any permitted transferees as above. Any acting custodian or fiduciary shall be a permitted transferee, subject to approval by the chief of police.

X. “Private lender” means any person other than a state or federally regulated bank or savings and loan association, a credit union, any other recognized financial institution doing business with the public, that has loaned or advanced, or is obligated to loan or advance money to a gambling club if either the payment of interest or principal of such loan is based in any part on the profits or revenue (gross or net) of the gambling club, or by virtue of the loan, such person has the power to exercise influence over the operation of a gambling club.

Y. “Qualified transferor” shall mean:
1. A person, partnership limited liability company or corporation holding a gambling club license;
2. A person holding stock in a corporate licensee; and/or
3. A person having a partnership interest in a partnership license;
4. A person holding a membership interest in a limited liability company.

Z. “Registrant” is any person who has filed an application under the Gaming Registration Act of California (California Business and Professions Code Section 19800 et seq.), hereafter “Gaming Registration Act.”

AA. “Transfer of a financial interest” shall mean the assignment, bequest, conveyance, demise, devise, gift, grant, lease, loan, sublease or transfer of a financial interest in a gambling club.

AB. “Transfer of a license” shall mean the assignment, bequest, conveyance, demise, devise, gift, grant, lease, loan, sublease or transfer of a gambling club license.

References within this chapter to specific California statutory provisions shall be construed to mean those statutory provisions in effect at the time of adoption of this chapter, those statutory provisions as amended from time to time, or successor provisions to those statutory provisions. (Ord. 1689 § 1, 2004; Ord. 1598 § 2, 1998)

**4.36.015 Conformance with state law.**

A. It is the stated purpose of this chapter to regulate gambling clubs in the city of San Bruno concurrently with the state of California, and to impose local controls and conditions upon gambling clubs as permitted in the “Gambling Control Act” as codified in Division 8, Chapter 5 of the California Business and Professions Code. All such references in this chapter to the Gambling Control Act are to Division 8, Chapter 5 of the California Business and Professions Code, and any such amendments to that chapter.

B. The licensing of any corporation, individual, limited liability company, partnership or other entity under the Gambling Control Act does not entitle such state licensee to any license or entitlement under this chapter without complying with licensing requirements of this chapter. (Ord. 1598 § 2, 1998)

**4.36.020 License—Required.**

A. No person shall own or operate a gambling club without first obtaining a valid, unexpired, and unrevoked gambling club license issued pursuant to the provisions of this chapter.

B. A business establishment open to the public which has no gambling license shall not operate a gambling club, or conduct legal gambling, or permit legal gambling to be conducted in its establishment, whether or not a fee or other charge is made to the players.

C. An applicant for a gambling club license may be an individual, a corporation, a limited liability company, an exempt organization, a joint venture, a partnership, a trust (revocable or irrevocable) or other legal entity. A licensee shall have the only direct financial interest in the license and in the gambling club that the licensee operates, although persons other than the applicant may have indirect financial interests in a licensee.

D. The provisions of this chapter shall not be applicable to any bingo game which is conducted in the city pursuant to Section 326.5 of the Penal Code.

E. A gambling club license shall only be issued to a gambling club applicant which holds a gambling club license issued under the Gambling Control Act. (Ord. 1598 § 2, 1998)

**4.36.030 License—Application.**

A. An applicant for a gambling club license to be issued under this chapter shall submit a completed application, under penalty of perjury, to the chief of police on a form provided by the city.

B. Each applicant shall provide such other information as the chief of police may deem necessary and appropriate.

C. Each applicant shall pay a nonrefundable fee, in an amount established by resolution of the city council, to defray the costs of investigation of the applicant. (Ord. 1598 § 2, 1998)
4.36.040 License restrictions.

A. The city council finds and declares as follows:
   1. There is presently one gambling club licensed to operate within the city.
   2. Due to social problems inherent in legal gambling activities, the number of gambling clubs should be limited for the welfare of the community.
   3. Sixty gambling tables are authorized to operate within the city.
   4. The provisions of this chapter comport with the requirements of the Gambling Control Act, and specifically, Business and Professions Code Section 19960.

B. There shall be one licensed gambling club permitted to operate in the city. The maximum number of gambling tables allowed to operate in that club shall be sixty, provided that upon application to and approval by the chief of police, the gambling club may be permitted to operate additional tables on a temporary basis for tournaments, if permissible under state law and city business license taxes are paid to the city on a pro rata basis.

C. No application for a gambling club license shall be accepted for filing when the maximum number of licenses authorized pursuant to subsection B has been issued and is in effect. There shall be no waiting lists or priorities for persons desiring to file such applications under such circumstances.

D. Any person interested in obtaining a gambling club license at such time as one is available may file a written request with the city clerk for written notice as to when the applications will be accepted for filing. Such written requests shall be valid and in force for a period of one year from the date of their filing, and they may be refiled.

E. Whenever the number of gambling club licenses issued and in effect is less than the number authorized by subsection B, the city clerk shall so advise the city council. Upon authorization from the city council, the city clerk shall cause to be published in a newspaper of general circulation in the city a statement that the city is accepting declarations of intent to apply for a gambling club license for a period of sixty calendar days from the date of publication of the statement. The statement shall indicate that such declarations of intent must include the name, address, and telephone number of the declarant, the last day for filing declarations, and the place at which declarations may be filed. The city clerk shall cause such statement to be mailed by first class mail to all persons with currently valid written requests for the same pursuant to subsection D.

F. No application for a gambling club license shall be considered unless the applicant shall have filed a declaration of intent to apply for a gambling club license within sixty calendar days of the publication of the statement pursuant to subsection E. No such application shall be received or considered except pursuant to subsection E.

G. When the period for filing declarations of intent to apply for a gambling license has expired, and the number of declarations on file with the city clerk exceeds the number of gambling club licenses authorized to be granted, the city clerk shall select by lot one of the declarations and shall notify the declarant by telephone and by first-class mail of such selection. The city clerk shall also notify the chief of police of the declarant selected. If the declarant does not file an application for a gambling club license within fifteen city business days of the date of mailed notice the declarant shall have waived his or her right to file such application, and the city clerk shall select by lot another declaration, and the above-mentioned process shall again be undertaken.

H. If an application for a gambling club license is duly filed, processed, and granted by the chief of police, and the granting thereof results in the maximum number of licenses authorized having been issued, no further declarations or applications shall be processed. If the application is denied, or if the application is granted and the granting thereof does not result in the maximum number of licenses authorized having been issued, the city clerk shall select another declaration for processing by lot, and any further processing of declarations or applications shall depend upon whether any additional authorized licenses still exist. (Ord. 1712 § 1, 2006; Ord. 1598 § 2, 1998)

4.36.050 Application—Review.

A. The chief of police shall review each application to determine whether it contains all of the required information.

B. If the application does not contain all of the information required, the chief of police shall either return it to the applicant for completion or withdrawal or reasonably extend the time for completion.
C. The chief of police shall investigate the applicant, all present and proposed managers and designated responsible employees of the applicant; each person who has a financial interest in the proposed applicant, gambling club, or premises to be used; and the manner in which the gambling club is proposed to be operated. (Ord. 1598 § 2, 1998)

4.36.060 Application—Mandatory denial.

The chief of police shall deny the application for a gambling club license if he or she makes any of the following determinations:

A. That the applicant is under the age of twenty-one years, but only if failure to attain such age constitutes a ground for denial of an application for a license under the Gambling Control Act;

B. That the applicant has been convicted for any crime punishable as a felony;

C. That the applicant has been convicted for any misdemeanor involving dishonesty or moral turpitude within the ten-year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to Section 1203.4, 1203.4a, or 1203.45 of the Penal Code;

D. That the applicant associates with criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code;

E. That the applicant has engaged in contumacious defiance of any legislative investigatory body, or other official investigatory body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling; official corruption related to gambling activities; or criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code;

F. That the applicant has any financial or other interest in any business or organization outside the state of California which is engaged in any form of gambling or gaming not authorized by the laws of this state. (Ord. 1598 § 2, 1998)

4.36.065 Application—Discretionary denial.

The chief of police may deny the application for a gambling club license if he or she makes any of the following determinations:

A. That the establishment of a gambling club in the proposed premises would violate the zoning, fire, building, or other regulations of the city, or other applicable laws or regulations;

B. That the applicant, or any present or proposed manager or designated responsible employee of the applicant, or any person who has a financial interest in the applicant:
   1. Made a false statement of a material matter in an application for a gambling license filed under the Gambling Control Act or in any application made to obtain a license hereunder,
   2. Has engaged in bookmaking or other illegal gambling activities, any offense involving gambling specified in Sections 319—337.9 of the California Penal Code, or has been convicted of an offense involving such activities,
   3. Lacks the financial stability, or capability, or business experience to operate a gambling club in a manner which would adequately protect to operate or sustain a cardroom which will meet specified city standards,
   4. Fails to satisfy the chief of police as to the source of funds to be invested in the proposed venture,
   5. Has engaged in unlawful activity in relation to, or has a history of disturbances constituting a nuisance stemming from operation of a nightclub, bar, gambling club, lounge, or other similar entertainment establishment,
   6. Fails to produce sufficient evidence of adequate financing available to pay current and potential obligations and, in addition, to finance opening of the proposed gambling club,
   7. Provides an inadequate security plan,
   8. Proposes a location for the proposed card club in an area not authorized by this chapter, the city’s zoning ordinance or by the city’s community and economic development director, or
   9. Has been convicted of a crime punishable as a felony and reduced to a misdemeanor pursuant to Section 17 of the California Penal Code or comparable statutory provision of another state or country; or has been granted relief pursuant to
Section 1203.4, 1203.4a, or 1203.45 of the California Penal Code or comparable statutory provision of another state or country;

C. That the applicant, or any present or proposed manager or designated responsible employee of the applicant, or any person who has a financial interest in the applicant within ten years immediately preceding the filing of the application has engaged in conduct constituting, or has been convicted of, any of the following offenses:

1. Any offense specified in Sections 266(i), 315, 316, 318, or subdivision (b) of Section 647 of the California Penal Code,
2. Any offense which requires registration as a sex offender under Section 290 of the California Penal Code,
3. Any offense in another state or country, which, if committed in this state, would have been punishable as one or more of the foregoing offenses,
4. Any offense involving the use of force or violence upon the person of another,
5. Any offense involving theft, embezzlement, or moral turpitude,
6. Any offense which relates directly to the operation of a gambling club;

D. That the applicant, or any present or proposed manager or designated responsible employee of the applicant, or any person who has a financial interest in the applicant has done any act involving dishonesty, moral turpitude, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another;

E. That the applicant has failed to comply with one or more provisions of this chapter, or of this code, or other laws or regulations applicable to the premises, equipment, ownership or operation of the proposed gambling club of the applicant;

F. That the applicant has knowingly made one or more false statements in his or her application;

G. That the issuance of the proposed license would violate an applicable provision of this chapter;

H. That the applicant, or any present or proposed manager or designated responsible employee of the applicant, or any person who has a financial interest in the applicant is engaged in organized crime, or has substantial, regular or continuous personal, professional or financial associations with one or more persons engaged in organized crime;

I. In conducting any review of an application hereunder, the chief of police shall gather all evidence relevant to the review and may issue subpoenas for the appearance of witnesses and the production of documents and other evidence. If an applicant or a person having a financial interest in the gambling club of the applicant or proposed manager or designated responsible employee shall not respond to a subpoena directed to such person for a personal appearance or the production of documents, prima facie grounds shall exist for the denial of the application. The determinations of the chief of police shall be valid if supported by a preponderance of the evidence;

J. The applicant refuses to provide consent to allow use of information contained in investigations where consideration of an offense was deferred pursuant to California Penal Code Section 1000.4 or comparable statutory provision of another state or country. (Ord. 1598 § 2, 1998)

4.36.070 Payment of business license tax.

Prior to commencement of any gambling club business, and prior to its continuation beyond the calendar quarter in which it is operating, the applicable business license tax for gambling clubs shall be paid pursuant to Title 3 of this code. (Ord. 1598 § 2, 1998)

4.36.080 Transfer of gambling club license and financial interests.

A. Except as otherwise provided in this section, no transfer or assignment of any gambling club license issued by the city, nor stock in any licensed corporation, nor interest in any licensed partnership or limited liability company, nor beneficial or remainderman interest in any licensed trust nor any direct or indirect financial interest in a gambling club, will be permitted for any reason.

The precluded transfers of a gambling club license include the sale, assignment, transfer or conveyance of any interest in a license or of any corporate licensee, or any right or interest therein or thereunder, nor is transfer or assignment
permitted to occur by operation by law, testamentary or intestate succession, trust relationship, bankruptcy proceedings, contractual relationship, reclamation or repossession.

B. A qualified transferor may transfer a gambling club license, the stock of a corporate licensee, a membership interest in a limited liability company licensee, a partnership interest in a partnership license to a permitted transferee of a license, and only to a permitted transferee of a license, provided that such permitted transferee of a license is registered with the chief of police pursuant to subsections C and D below.

C. Each licensee shall maintain with the chief of police a listing of all eligible permitted transferees of a gambling club license who are not holders of such license, or any partial interest in such license. Such listing shall include the name, relationship, Social Security number, and supporting documentation attesting to and/or verifying the relationship of the individual to the licensee, as well as such other information that the chief of police deems necessary.

D. To obtain permission for a transfer hereunder, the transferor and transferee shall file an application for transfer, similar to the application for a license, with the chief of police, paying a nonrefundable transfer fee, in an amount established by resolution of the city council, and shall obtain the approval of the chief of police to the transfer. The chief of police shall deny the application if he or she determines that the proposed transferee is unqualified under Section 4.36.060. The chief of police may deny the application if he or she determines that the proposed transferee has:

1. Engaged in conduct constituting or has been convicted of any of the offenses, crimes, activities prescribed in Section 4.36.065;

2. Failed to file with the application a complete copy of the application for license (and exhibits) filed by the transferee under the Gambling Control Act, and a copy of the current license issued to the transferee pursuant to the Gambling Control Act, each of which shall be declared by the applicant under penalty of perjury to be a complete copy;

3. Has failed to comply with one or more provisions of this chapter, or this code, or other laws or regulations applicable to the premises, equipment, or operation of the gambling club for which the transfer of license or financial interest therein is requested;

4. Has knowingly made one or more false statements in the application.

All determinations of the chief of police made pursuant to this subsection shall be valid if supported by a preponderance of the evidence.

E. In the case of an interfamily transfer only, a qualified transferor may transfer a gambling club license, the stock of a corporate licensee, a membership interest in a limited liability company, and a partnership interest in a partnership license to a permitted transferee of a license, and only to a permitted transferee of license. (Ord. 1598 § 2, 1998)

4.36.085 Location, change in location.

The location of a gambling club in existence as of July 13, 1998 is deemed approved for purposes of this chapter. Any subsequent change in location of a gambling club shall be approved by the chief of police, and shall comply with the Zoning Ordinance of the city of San Bruno and meet the requirements of this chapter. (Ord. 1598 § 2, 1998)

4.36.090 Operations regulations.

The chief of police may from time to time enact rules and regulations to effectuate the purposes of this chapter. A party aggrieved by a rule or regulation promulgated by the chief of police may appeal such action to the city council in accordance with the provisions of Section 4.36.150 of this chapter.

It is unlawful to operate a gambling club in violation of any of the following regulations:

A. Physical Arrangements.

1. Not more than one gambling club shall be located at one address.

2. No establishment licensed as a gambling club shall use, operate, maintain, or permit the use or operation of more gambling tables than those authorized by the city for a licensee to operate and for which the prescribed license fee has been paid to the city. All gambling activity shall be restricted to the areas of a gambling club which have been authorized in the conditions of the license issued by the chief of police. Any change in conditions as to the physical location of any gambling activity within any gambling club must be approved by the chief of police.
3. The physical arrangements of the gambling area and parking lots of a gambling club shall meet the requirements and specifications determined necessary by the chief of police for the security and safety of citizens, patrons, and police officers.

4. During all hours of operation the outside doors to the gambling club and the main doors to the gambling rooms must be unlocked and accessible to the general public.

5. Licensees may conduct operations up to twenty-four hours a day, seven days a week.

6. No legal games may be conducted in the same building or on the same premises where any bingo game is conducted, whether the bingo games are for profit or not.

7. The legal gambling areas of the gambling club shall be separated from other activities on the premises.

8. Any part and all of the gambling club shall be open to police inspection during all hours of operation.

9. Unless otherwise authorized by the chief of police based upon a finding of necessity because of the rules relating to a particular game, a maximum of ten hands may be dealt at any one table. The maximum number of persons who may participate in play at a table may be limited by the licensee consistent with the provisions of this chapter, provided that in any event, the number of persons present in any gambling room shall not exceed the occupant load as otherwise prescribed by law.

B. Operations Procedures. No licensee, agent, or employee of a licensee, or a person to whom a work permit has been issued or for whom one is required shall:

1. Allow or permit money to be used as ante or bet in any legal game in any gambling club. Anteing or betting shall be done by using tokens, chips, or other representatives of money;

2. Offer or give or permit to be offered or given any alcoholic beverages to encourage play;

3. Loan money, chips, tokens, or anything of value, either real or promised, to any person, including other employees, for which a loan fee, interest, or other consideration is imposed, while on gambling club property for the purpose of allowing that person to participate in any gambling activity;

4. Act in the capacity of, or employ any person to act in the capacity of a house player, unless such person wears in a conspicuous place attached to the clothing an identification card or badge identifying such person as a house player;

5. Knowingly permit any person who is in a state of intoxication in any area of the premises used for legal games;

6. Permit any person under the age of twenty-one years to participate in any legal game within, or to be present within, any gambling club; provided, however, that a licensee may establish a higher minimum age of admission if not otherwise prohibited by law; provided, further, that this provision shall not be construed to authorize the admission to any gambling club of any persons under the age of twenty-one years where such admission is prohibited by any law or regulation governing the sale of alcoholic beverages;

7. Fail, neglect, or refuse to exhibit their licenses or work permits on the demand of any law enforcement officer, or, in the case of a work permit issued to a dealer, manager, or designated responsible employee, or a person who performs any function directly connected with the operation of legal gambling in a gambling club, fail, neglect, or refuse to wear such permit as identification in a conspicuous place attached to the clothing, while performing his or her duties for the licensee;

8. Permit or allow the contracting or farming out, assigning, lending, renting, or subletting of any games or card tables on the gambling club premises;

9. Permit more than four participants to wager on the same hand in designated games, unless otherwise authorized by the chief of police for a particular game. Such authorization may be revoked in writing by the chief of police. In no event shall the total number of wagering participants within the gambling club exceed the maximum number of hands per table multiplied by ten (the maximum number of hands per table) multiplied by the number of tables for which the then current quarterly business license tax has been paid;

10. Permit someone other than the primary seated participant to be in control of the play for the hand, unless otherwise permitted under licensee’s house rules which have received prior approval by the chief of police;

11. Permit cards or tiles to be removed out of the sight of the dealer or the floor manager at the table;

12. Knowingly permit any unlawful activity to take place upon the premises of the gambling club or to fail to take reasonable steps to prevent such activities from taking place;
13. Play in, or permit the playing of, any game at any place licensed pursuant to this chapter which is not allowed by state or municipal law.

C. General Requirements.

1. There shall be posted in a conspicuous place in the gambling club premises the following:
   a. The minimum buy-in, wagering limits, and any and all times charges or other fees assessed of all charged players at a table;
   b. A set of detailed house rules applicable to the games played, which shall be posted in the form of a printed rule book;
   c. A copy of the current valid city license and the licensee’s current gambling license issued under the Gambling Control Act;
   d. The hours during which the establishment will remain open for business.

2. The operation of a gambling club shall be the responsibility of the licensee personally (if an individual is the licensee) or a manager or designated responsible employee of the licensee at all times. The licensee shall designate the names of all such managers and designated responsible employees in the application and shall advise the chief of police in writing whenever any change is made.

3. The licensee personally (if an individual is the licensee), or a manager or a designated responsible employee shall be on the gambling club premises at all times during the conduct of its legal gambling operations.

4. Not later than July 1st of each calendar year the licensee shall execute under penalty of perjury and file with the chief of police a declaration stating the following:
   a. The minimum buy-in, table and wagering limits, and any and all time charges or other fees assessed of all players at a table;
   b. A set of the then current posted detailed house rules applicable to the games played;
   c. That payment of the most recently assured city business license tax for a gambling club has been paid.

The declaration shall be accompanied by a complete copy of all applications (and exhibits) filed since the prior July 1st with the division, the board or the commission, by the licensee and all persons having a financial interest in the licensee under the Gambling Control Act; provided that copies of current gambling license, key employee licenses as defined in Section 19805 of the Gambling Control Act, and work permits issued under the Gambling Control Act shall be filed forthwith after their receipt with the chief of police if not obtained by the time this declaration is filed, hereunder, and each of which copies shall be declared by the licensee under penalty of perjury to be a complete copy.

5. A licensee shall designate one or more persons who are regularly present on the premises of the licensee during regular business hours as agent(s) for the service of subpoenas (“agent”) issued by the chief of police under this chapter.

By accepting, and as a continuing condition to the validity of, a license under this chapter, the licensee, each manager and each designated responsible employee of the licensee, and each person who has a financial interest in the licensee shall consent to having any such agent accept the service of subpoenas directed to them hereunder by the chief of police.

A licensee may change the designation of its agent at any time by filing a change in writing with the chief of police. The chief of police shall serve a subpoena upon a person either (1) by personal service on such person or (2) by personal service on an agent.

Each subpoena directed to a person by the chief of police shall set forth the subject matters that are to be the topics of inquiry and any request for specific information required by the chief of police. If all of the specific information sought from the person upon whom the subpoena is served may otherwise be supplied by the licensee, the licensee shall file a declaration under penalty of perjury with the chief of police that contains such specific information at the time directed, the effect of which declaration shall be to quash the subpoena; provided, however, that topics of inquiry or requests for specific information pertaining to the background or actions of the person to whom the subpoena has been directed may only be answered or otherwise responded to by such person.

No subpoena shall compel the attendance of any person before the chief of police or at any hearing conducted under this chapter in less than seventy-two hours after receipt of such service by the person(s) upon whom such service is to be made; reasonable requests for extension of time to appear shall be granted for up to an additional forty-eight hours by the
chief of police upon a declaration that sets forth a reasonable ground for such extension, which declaration is executed under penalty of perjury (based on information and belief) by any person who would be subject to the service of a subpoena under this paragraph.

6. All financial information of a licensee, both corporate and personal, which may be legally required to be provided to the chief of police shall be held in strictest confidence and not disclosed, discussed, disseminated or published without the written permission of the person providing such information or as otherwise provided by state law.

7. No maximum wagering limit is imposed on games at the gambling club. The gambling club may conduct no limit games or may, in its discretion, set maximum wagering limits on a game-by-game basis and table-by-table basis, provided that such maximum wagering limits comply with all state and local laws, and are posted as required by Section 4.36.090 C(1)(a).

8. A licensee shall have in effect a security plan to address the security and safety of patrons in and around the cardroom. The plan, and any amendments thereto, must be filed with and approved by the chief of police. The licensee shall be liable for the security and safety of its patrons to the extent required by law. Any information about security measures that is provided to the city by a gambling club shall be confidential and not open to public inspection. (Ord. 1725 § 2, 2006; Ord. 1598 § 2, 1998)

4.36.100 Work permits—Required.

A. A person shall not be employed as an employee of a gambling club unless he or she first has been issued a valid, unexpired, and unrevoked work permit.

B. Each applicant for a work permit shall submit to the chief of police a completed, city-approved application, made under penalty of perjury, which shall contain the following information:

1. The true name, address, date of birth, physical description and telephone number of the applicant;
2. The past criminal record, if any, of the applicant;
3. Fingerprints taken by the San Bruno police department;
4. Two full face photographs of one inch by one inch exact size taken within sixty days immediately preceding the date of filing of the application;
5. A written statement directed from a licensee indicating a willingness and intent to employ the applicant if the latter is issued a work permit;
6. A complete copy of the application (if any) and exhibits filed by the applicant under the Gambling Control Act and a copy of any current key employee license (as defined in Section 19805 of the Gambling Control Act) issued to the applicant thereunder;
7. Such other information as may be requested by the chief of police.

C. The chief of police shall obtain a background check on the applicant to determine if the applicant is disqualified from holding a state gambling license.

D. The chief of police shall either grant or deny the application within sixty days of the filing thereof, unless a temporary work permit is granted pursuant to this section.

E. In determining whether or not to grant or deny the application for a work permit, the chief of police shall consider any and all objections to the issuance of the work permit made by the division or the commission.

F. In recognition of the delays which may be encountered in obtaining all information on each applicant under this section, the chief of police, or his or her designee, is authorized to issue temporary work permits which shall be valid for a period not to exceed sixty days. If additional time is required, subsequent temporary work permits may be issued which will be valid for the same time period. Such temporary work permits shall include such terms and conditions as may be determined by the chief of police, or his/her designee. The chief of police has the right to refuse issuance of a temporary work permit if preliminary information exists to justify such refusal. (Ord. 1598 § 2, 1998)
4.36.110 Work permits—Denial of application.

A. The chief of police shall deny the application for a work permit if he or she makes any of the following determinations:

1. The applicant is under the age of twenty-one years.

2. The applicant would be disqualified from holding a state gambling license for reasons stated in paragraphs (2), (3), (6), inclusive, of subdivision (a) of Section 19850 of the Gambling Control Act.

3. The division or the commission objects to the issuance of the work permit, provided that if after review of such objection pursuant to the Gambling Control Act, the objection is withdrawn, the chief of police shall reconsider the application.

B. The chief of police may deny the application for a work permit if he or she makes any of the following determinations:

1. That the applicant has within ten years immediately preceding the filing of the application been convicted in a court of competent jurisdiction of an offense enumerated in Section 4.36.065, or has engaged in conduct constituting any such offense;

2. That, without regard to date of conviction, the applicant has engaged in bookmaking or any offense involving gambling specified in Sections 319—337.9 of the California Penal Code;

3. That the applicant has failed to comply with one or more provisions of this chapter, or of this code, or other laws or regulations applicable to the operation of a gambling club;

4. That the applicant has knowingly made one or more false statements in the application or during the application background process;

5. The applicant’s refusal to provide consent to allow use of information contained in investigations where consideration of an offense was deferred pursuant to California Penal Code Section 1000.4 or comparable statutory provision of another state or country may result in a denial of the application.

The determinations of the chief of police shall be valid if supported by a preponderance of the evidence. (Ord. 1598 § 2, 1998)

4.36.120 Work permits—Expiration and renewal.

A work permit shall be valid for two years. It shall be renewable at the end of each second year upon filing a new application and a renewal fee, in an amount established by resolution of the city council. If an expired permit is not renewed within thirty days after the expiration date, the filing fee for an original application shall be applicable. (Ord. 1598 § 2, 1998)

4.36.130 Work permits—Possession at place of work.

Every dealer, manager, and designated responsible employee, and every person who performs any function directly connected with the operation of legal gambling in a gambling club shall keep in his or her immediate possession the valid work permit issued, and shall wear such permit as identification in a conspicuous place attached to the clothing but only while performing his or her duties for the licensee. No work permit shall be worn off the gambling club premises. The work permit is issued to the applicant, but remains the property of the city of San Bruno. The work permit or provisional permit shall be returned to the San Bruno police department when the permittee’s or provisional work permittee’s employment is severed with the licensee. The licensee shall immediately notify the chief of police, or his/her designee when the permittee’s employment is severed. (Ord. 1598 § 2, 1998)

4.36.140 Revocation and suspension of licenses and work permits.

A. A work permit shall be suspended by the chief of police if he or she receives an order from the division, the commission or the board directing that an individual’s work permit be summarily suspended.
B. A work permit shall be revoked by the chief of police if he or she receives an order from the division, the
commission or the board of the state of California directing that an individual’s work permit be revoked.

C. Licenses and work permits are subject to revocation or suspension upon a determination by the chief of police
that grounds exist which would justify the denial of an application for such license or work permit if such application
were then pending, or that the licensee or a person that has a financial interest in the licensee has:

1. Violated one or more provisions of this chapter;
2. Violated any statute or ordinance relating directly to the operation of the gambling club;
3. Been convicted of, or has engaged in conduct constituting an offense enumerated in Section 4.36.060.
4. Done any of the following:
   a. Violated any federal, state or local statute, rule or ordinance regulating gambling;
   b. Engaged in false or misleading advertising in connection with gambling;
   c. Failed to take reasonable steps to prevent any dishonest acts or illegal activities occurring on the gambling
      premises committed by any patron or any other person;
   d. Failed to pay any monetary penalty levied pursuant to the Gambling Control Act;
   e. Denied the Attorney General or chief of police access to any place within a gambling club establishment or failed
to promptly produce for inspection or audit any book, record, or document requested by the Attorney General or the chief
   of police;
   f. Failed to comply with any condition of the license or registration under the Gambling Control Act;
   g. Obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
   h. Made a misrepresentation, or failed to disclose, a material fact on the application or as part of any subsequent
      investigation to the Attorney General or the chief of police.

D. Except when ordered by the state, the term of suspension of any license or permit shall be for the specific time
determined by the chief of police but not more than sixty days.

E. In conducting an investigation, which the chief of police may initiate on his or her initiative or in response to
complaint, or making a determination hereunder, the chief of police shall gather all evidence relevant to the investigation
and may issue subpoenas for the appearance of witnesses and the production of documents and other evidence. If a
licensee or a person having a financial interest in the gambling club of the licensee or a manager or designated responsible
employee of the licensee (unless the manager or designated responsible employee are not longer employees of the
licensee) shall not respond to a subpoena served upon and directed to such person for a personal appearance or the
production of documents, prima facie grounds shall exist for the suspension of the gambling club license. The provisions
of subsection (C)(5) of Section 4.36.090 shall be applicable to this subsection. The determinations of the chief of police
shall be valid if supported by a preponderance of the evidence.

F. Upon determination that grounds for revocation or suspension exist, the chief of police shall notify the licensee or
work permittee in writing either by personal delivery or by first class mail addressed to the licensee or work permittee at
the address listed in the license or permit application, or any more recent address furnished to him or her by the licensee
or work permittee. The notice shall state that the license or permit is revoked or suspended, as the case may be, the
duration of any suspension, and the grounds for the action. Except when the revocation or suspension is ordered by the
state, the notice shall further state that the action shall not become effective until the eleventh city business day after the
date of the notice, and that during such period the licensee or work permittee may file a notice of appeal to the city
council with the city clerk pursuant to Section 4.36.150. The notice shall state that if the action is appealed to the city
council, the action shall not become effective, if at all, until the council shall have heard and decided the appeal.

G. If the licensee or work permittee fails to file a notice of appeal with the city clerk within a period of ten city
business days from the date of notice of suspension or revocation, the action of the chief of police shall become final and
conclusive. If a notice of appeal is timely filed, accompanied by payment of an appeal fee in an amount established by
resolution of the city council, the city clerk shall schedule the matter for hearing before the city council. The city clerk
shall provide at least ten city business days written notice of the date, time, and place of the hearing to the licensee or
work permittee and the chief of police. When such notice has been timely filed, the suspension or revocation shall not
become effective until the appeal has been completed.

H. At the hearing before the city council the appellant and the chief of police shall have the following rights:
1. To call and examine witnesses under oath;
2. To introduce exhibits under oath;
3. To cross-examine opposing witnesses under oath on any matter relevant to the issues, even though that matter was not covered in the direct examination;
4. To impeach any witness, regardless of which party first called him or her to testify; and to rebut the evidence against him or her.

If the appellant does not testify in his or her own behalf he or she may be called as if under cross-examination.

I. The hearing need not be conducted according to technical rules of evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing. Irrelevant and unduly repetitious evidence shall be excluded.

J. In revoking or suspending a license or work permit pursuant to this section, the chief of police shall have the power to suspend the effectiveness of such action upon reasonable conditions, and to direct that if the licensee or work permittee does not comply with such conditions, the original revocation or suspension will become effective. If the chief of police determines that any condition has been violated, the procedure for notice and hearing for revocations and suspensions shall be applicable.

K. In addition to the power to suspend a work permit pursuant to this section, if the chief of police determines that a work permittee has engaged in such conduct as to provide reasonable cause to believe that his or her continued work in a gambling club would constitute an immediate threat of continued violations of operations requirements, fraudulent or dishonest conduct, or sale or use of narcotics on the premises, he or she may immediately suspend the work permit by providing written notice to the work permittee and the licensee of the action taken and the reason therefor. The chief of police shall conduct a hearing on the matter upon notice to the work permittee not later than five city business days from the date of the suspension. The hearing shall be in accordance with the provisions of this section. If at the conclusion of the hearing the chief of police determines that grounds exist for the suspension or revocation of the work permit, he or she may revoke or continue the suspension of the work permit. The work permittee may appeal such decision to the city council by filing a notice of appeal pursuant to Section 4.36.150; provided, however, that pending the action of the city council on appeal the revocation or suspension shall remain in full force and effect.

L. In addition to the power to suspend a license pursuant to this section, if the chief of police determines that such conduct exists in the gambling club as to provide reasonable cause to believe that the continued operation of the gambling club would constitute an immediate threat of continued violations of the operations requirements hereunder, or the continuation of fraudulent or dishonest conduct on the premises, or the continuation of the sale or use of narcotics on the premises, he or she may immediately suspend the license by providing written notice to the licensee (if an individual is the licensee) or upon any manager or designated responsible employee, which written notice shall specify the action taken and the reason therefor. The chief of police shall lift the suspension within forty-eight hours of its imposition and at such specific time within such period if he or she determines that the conditions giving rise to the suspension have been removed, failing in which the suspension shall continue without further action and he or she shall conduct a hearing on the matter upon notice to the licensee not later than five city business days from the date of the suspension. The hearing shall be in accordance with the provisions of this section. If, at the conclusion of the hearing, the chief of police determines that such conditions still have not been removed, he or she may revoke or continue the suspension of the license as otherwise provided in section. The licensee may appeal pursuant to Section 4.36.150; provided, however, that pending the action of the city council on appeal, the revocation or suspension shall remain in full force and effect. (Ord. 1598 § 2, 1998)

### 4.36.150 Appeals.

A. Whenever the chief of police shall deny an application for a gambling room license or work permit, he or she shall notify the applicant or work permittee in writing by either personal delivery or by first class mail addressed to the applicant or work permittee at the address listed in the respective application, or at any more recent address furnished to
him or her by the applicant or work permittee. The notice shall state that the application has been denied or that the
licensee or work permitted has been suspended or revoked and the grounds for the action. The notice shall further state
that the applicant or work permittee shall have the right to appeal the action to the city council by filing a notice of appeal
with the city clerk no later than ten city working days from the date of the notice of denial.

   B. A notice of any appeal shall be filed with the city clerk not later than ten city business days from the date of
notice of denial, suspension or revocation of the application, San Bruno license or work permit, failing in which the action
of the chief of police shall become final and conclusive. If a notice of appeal is timely filed, accompanied by payment of
an appeal fee in an amount established by resolution of the city council, the city clerk shall schedule the matter for
hearing before the city council. The city clerk shall provide at least ten city business days notice of the date, time, and
place of the hearing to the party appealing and the chief of police. (Ord. 1598 § 2, 1998)

4.36.160 Abandonment of gambling club license.

   A. A gambling club license shall be deemed to be abandoned and null and void under the following conditions:

   1. The operation of the gambling club has not commenced within one year after the issuance of the gambling club
license.

   2. The gambling club has failed to conduct legal gambling for a period of six months.

   B. If the chief of police determines that a gambling club license has been abandoned pursuant to this section, he or
she shall notify the licensee in writing either by personal delivery or by first class mail addressed to the licensee at the
address listed in the license application, or any more recent address furnished to him or her by the licensee. The notice
shall state that the chief of police has determined that the license has been abandoned and is null and void; and the reasons
for such determination. The notice shall further state that the licensee may file a notice of appeal of such decision to the
city council by filing such notice with the city clerk within ten city business days of the date of the notice by the chief of
police.

   C. If the licensee fails to file a notice of appeal with the city clerk not later than ten city business days from the date
of notice by the chief of police, the termination by the chief of police shall become final and conclusive. If a notice of
appeal is timely filed, accompanied by payment of an appeal fee, in an amount established by resolution of the city
council, the city clerk shall schedule the matter for hearing before the city council. The city clerk shall provide at least ten
city business days notice of the date, time, and place of the hearing to the licensee and to the chief of police.

   D. The hearing on the appeal shall be conducted in accordance with the provisions of subsections H and I of Section
4.36.140. (Ord. 1598 § 2, 1998)

4.36.170 Decision of city council after hearing.

   A. Upon the conclusion of an appeal hearing conducted by the city council pursuant to Sections 4.36.140, 4.36.150
and 4.36.160, the city council shall make findings of fact and conclusions of law, which shall be transmitted in writing to
the appellant.

   B. The city council on appeal may, based upon the evidence presented, affirm or reverse the decision of the chief of
police. In the case of a revocation or suspension of a permit, it shall have the power to modify the penalty to any lesser
one provided in Section 4.36.140.

   C. The decision of the city council on appeal shall be final and conclusive. (Ord. 1598 § 2, 1998)

4.36.180 Application to existing gambling clubs and work permittees.

   A. Any gambling club licensee validly operating a gambling club under a license issued pursuant to this chapter prior
to the adoption of this chapter in the form set forth herein shall not be required to obtain a new license, and the license of
such licensee shall continue to be in effect; provided, however, that the operations of any such licensed gambling clubs
shall be governed by Sections 4.36.070, 4.36.080, 4.36.090, 4.36.140, 4.36.160, and 4.36.170.

   B. Any work permit validly in force and effect at the time of adoption of this chapter in the form set forth herein
shall continue to be valid until its scheduled expiration date; provided, however, that all persons who have been issued
such work permits shall be governed by the provisions of Sections 4.36.090, 4.36.130, 4.36.140 and 4.36.170. (Ord. 1598 § 2, 1998)

4.36.190 Minimum age of players.

No person under the age of twenty-one years shall enter, remain, or be present in any gambling club. (Ord. 1598 § 2, 1998)

4.36.200 State law violation.

The city council declares that it is not the intention of this chapter to permit the licensing of any gambling club for the playing of any game prohibited by state law, including but not limited to those games enumerated in Section 330 of the Penal Code, which section includes banking and percentage games. (Ord. 1598 § 2, 1998)

4.36.210 Exclusion of persons from gambling clubs.

A. A licensee shall exclude or eject from the gambling club all persons required to be excluded by the division pursuant to Section 19835 of the Gambling Control Act.

B. A licensee may exclude or eject from the premises any person who satisfies any of the criteria set forth in Section 19835.5 of the Gambling Control Act or any person who has been engaged in or been convicted of bookmaking, loan sharking, the sale of controlled substances or illegal gambling activities, or whose presence in or about the gambling club would be inimical to the interests of legal gambling. No person shall be excluded or ejected on the grounds of race, national origin, color, creed, or sex.

C. Any person excluded or ejected by a licensee under subsection B of this section may appeal to the chief of police as to whether the conditions for exclusion or ejection set forth in subsection A of this section are applicable. Such person shall file an appeal to the chief of police through the office of the city clerk and shall pay a fee for such appeal in an amount fixed, from time to time, by the city council. The chief of police shall appoint a hearing officer who shall conduct a hearing to be held within thirty days after receipt of the application or at such other time as the applicant and the chief of police may agree.

D. At the hearing, both the person excluded and the licensee may present evidence under oath. The decision of the hearing officer shall be final. The licensee and the applicant shall reimburse the city for the cost of holding such hearing in amounts determined by the hearing officer. (Ord. 1598 § 2, 1998)

* Editor’s Note: Section 4.36.210 previously Section 4.36.300, was renumbered in the December, 2005 supplement.
AGENDA
SAN BRUNO CITY COUNCIL
September 10, 2019
7:00 p.m.

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

City Council meetings are conducted in accordance with Roberts Rules of Order Newly Revised and City Council Rules of Procedure. All regular Council meetings are recorded and televised on CATV Channel 1 and replayed the following Thursday, at 2:00 pm. 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) 616-7061, or email your request to Melissa Thurman, City Clerk at mthurman@sanbruno.ca.gov.

Thanks to the San Bruno Garden Club for providing the floral arrangement.

1. CALL TO ORDER

2. ROLL CALL/PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:
   Individuals allowed three minutes, groups in attendance, five minutes. It is the Council's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendized pursuant to State Law.

4. ANNOUNCEMENTS/PRESENTATIONS:
   a. The Community Services Department will host Concerts at the Rotary Pavilion in San Bruno City Park on Fridays in September beginning at 6:00 p.m. Concerts are free for the community to enjoy. Movies in the Park occur every Friday following the concerts. “Mary Poppins Returns” will be shown on September 13, 2019 and “BumbleBee” will be shown on September 20, 2019.
   b. Family Overnight will be held in San Bruno City Park on Friday, September 27, 2019 from 6:00 p.m. to 9:00 a.m. Saturday, September 28, 2019. Visit www.sanbruno.ca.gov/Calendar for upcoming City activities.
   c. Present Proclamation Declaring September as National Preparedness Month.

5. 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.
   b. Accept Payroll of
   c. Approve Draft Meeting Minutes for the Special and Regular Meetings of July 31 and August 27, 2019.
   d. Accept Resignation from Community Preparedness Committee Member Effective August 31, 2019 and Direct the City Clerk to Post a Notice of Vacancy in Accordance with State Law.
   e. Waive Second Reading and Adopt an Ordinance Regarding Amendments to San Bruno Municipal Code Chapter 7.18, Residential Permit Parking.
6. CONDUCT OF BUSINESS:

a. **Adopt** Resolution Increasing the City of San Bruno’s Aggregate Credit Limit with Tri Counties Bank from $125,000 to $350,000.

b. **Adopt** Resolution Authorizing the City Manager to Execute a Contract with Water Works Engineers for Design Services for the Sneath Lane and Lake Drive Pump Stations Rehabilitation Project in an Amount Not to Exceed $546,037 and Appropriating $210,000 from the Water Fund.

c. **Adopt** Resolution Authorizing the City Manager to Execute an Agreement with Consolidated CM, Inc. to Provide Construction Management and Inspection Services for the Cunningham Water Tank (Water Tank No. 1) Replacement Project in an Amount Not to Exceed $564,000.

d. **Adopt** Resolution Authorizing the City Manager to Execute an Agreement with West Yost Associates for the Design of the Sweeney Ridge Tank 7 Replacement Project in an Amount Not to Exceed $842,150 and approve the appropriation of $393,810 from the Water Fund.

e. **Adopt** Resolution Authorizing the City Manager to Execute a Funding Agreement with the County of San Mateo for the Award of Measure K Funding in the Amount of $150,000 to Rehabilitate the Grandstand Facility at the Tom Lara Field located at San Bruno City Park and Appropriate $150,000 of Revenue and Expenditure into the Tom Lara Field Improvements Capital Project in Fiscal Year 2019-20.

7. COMMENTS FROM COUNCIL MEMBERS:

8. ADJOURNMENT:

The next Regular City Council Meeting will be held on September 24, 2019 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.
DATE: August 26, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Keith DeMartini, Finance Director
              Kathleen O’Malley, Accounting & Customer Service Representative

SUBJECT: Accounts Payable Warrant Register

This is to certify that the claims listed on pages 1 to 3 inclusive, and/or claims numbered from 183079 through 183231 inclusive, totaling $2,172,527.76 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. The table below summarizes the total paid by Fund.

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TOTAL FOR APPROVAL $2,172,527.76

Respectfully submitted,

Finance Director

Date

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Grand Total: 2,172,527.76
Total count: 153
City Council Agenda Item  
Staff Report

DATE: September 10, 2019  
TO: Honorable Mayor and Members of the City Council  
FROM: Jovan D. Grogan, City Manager  
PREPARED BY: Benjie Lin, Payroll Specialist  
SUBJECT: Payroll Acceptance

City Council acceptance of the City payroll distributed August 23, 2019 is recommended. The Labor Summary report reflecting the total payroll amount of $1,707,201.60 for bi-weekly pay period ending August 18, 2019 by fund is shown below:

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<td>Fund: 122 - SOLID WAIST/RECYCL.</td>
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<td>Fund: 203 - STREET IMPROVE. PROJECTS</td>
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<td>Fund: 611 - WATER FUND</td>
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<td>Fund: 621 - STORMWATER FUND</td>
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<td>Fund: 631 - WASTEWATER FUND</td>
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<td>Fund: 641 - CABLE TV FUND</td>
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<td>Fund: 711 - SELF INSURANCE</td>
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Total: $1,707,201.60

Respectfully Submitted,

Keith DeMartini, Finance Director  
Date  

ITEM 5.b.
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MINUTES
SAN BRUNO CITY COUNCIL & PLANNING COMMISSION
SPECIAL JOINT MEETING
July 31, 2019
7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL - All Council Members and Commissioners were present, with the exception of Commissioner Hamilton, who was absent with prior notice.

3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA

The following members of the public spoke during Public Comment:

- **Steve Freitas** - Thanked City Staff for televising the meeting tonight.

4. STUDY SESSION:

a. Status Update on Bayhill Specific Plan, Draft Environmental Impact Report, and YouTube Phase 1 Office Development Project.

Rico Medina, Mayor and Valentine Morgan, Planning Commissioner, recused themselves due to a potential conflict of interest.

Jovan Grogan, City Manager and Darcy Smith, Community and Economic Development Director presented the Status Update.

The following members of the public spoke regarding the item:

- **Plymouth Ansbergs** - Spoke in favor of the plan.
- **Vince Elliott** - Spoke in favor of the plan.
- **Steve Freitas** - Spoke regarding staffing concerns for the medians listed in the project.
- **Auros Harman** - Spoke in favor of the plan.
- **Kathy Heckman** - Spoke in opposition of the plan.
- **Sarah Kinahan** - Spoke regarding the need for childcare in the plan area.
- **Dean Moser** - Spoke in favor of the plan.

5. ADJOURNMENT - The meeting adjourned at 9:50 p.m.

ITEM 5.c.
These minutes were prepared by Vicky Hasha, Deputy City Clerk and are respectfully submitted for approval at the City Council meeting on September 10, 2019.

_______________________________
Vicky S. Hasha, Deputy City Clerk

_______________________________
Rico E. Medina, Mayor
MINUTES

SAN BRUNO CITY COUNCIL

SPECIAL MEETING

August 27, 2019

5:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL – All Council Members were present. Council Member Salazar arrived at 5:15 p.m.

3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA - None

4. CLOSED SESSION:

   a. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8 -
      • Property: 618 San Mateo Avenue
      • Agency Negotiator: City Manager
      • Negotiating Parties: City of San Bruno and Artichoke Joe’s
      • Under Negotiation: Price and Terms of Payment

     The following member of the public spoke regarding this item:
      • George Peponis


5. ADJOURNMENT – The meeting adjourned at 6:45 p.m.

Minutes were prepared by Melissa Thurman, City Clerk and will be presented to the City Council for approval at the meeting of September 10, 2019.

Melissa Thurman, CMC
City Clerk

Rico E. Medina
Mayor
“The City with a Heart”

MINUTES
SAN BRUNO CITY COUNCIL
August 27, 2019
7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL/PLEDGE OF ALLEGIANCE – All Council Members were present.

3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:
The following members of the public spoke during Public Comment:

- Leo Inferrera – Spoke regarding the Fireman’s Hall.
- Doug Silverstein – Spoke regarding climate change.
- John Barrelier – Spoke regarding Fire Department personnel.
- Scott Sinor – Spoke regarding traffic concerns.
- Stephan Seymour – Spoke regarding a candidate meet and greet.
- Darrel Mero – Spoke regarding the Fireman’s Hall.
- Nancy Kraus – Spoke regarding San Bruno Park School District events.

4. ANNOUNCEMENTS/PRESENTATIONS:

a. The Community Services Department will host Concerts at the Rotary Pavilion in San Bruno City Park on Fridays in August and September beginning at 6:00 p.m. Concerts are free for the community to enjoy. Food and beverages will be sold by the San Bruno Lions and Rotary Clubs.

b. Spend the day in San Bruno City Park and shop from over 85 vendors at our annual Clean Sweep Flea Market on Sunday, September 8th. Vendors will be selling furniture, records, clothing, sporting goods, and more. The event begins at 9:00 a.m. and ends at 4:00 p.m. and admission is free to shop!

c. The San Bruno Library Homework Center will open on September 3 to assist students with homework this coming school year. The homework center is a free, after school, drop-in, homework help program for students from Kindergarten through Eighth grade. It will be open Monday through Wednesday from 3-6pm and Thursdays from 1:30-6pm. It will be closed on Library and San Bruno Park School District holidays. Registration is required. Forms and more information are available on the Library website and at the library.

d. The Culture and Arts Commission brings you Free Movies in the Park! Every Friday in September following the Concerts in the Park over by the Tennis Courts. The first movie of the summer is Captain Marvel on September 6, 2019.

e. Coffee with Dads: Join the friendly, casual bilingual discussion for all male caregivers of children up to 5 years of age. This group is for adults and meets every other Thursday beginning August 29, 2019 from 6:00 – 7:00 p.m. in the Children's Room of the San Bruno Library. Coffee and light refreshments will be served.

f. Jazz Exploration with the Dave Rocha Jazz Trio will fill the Library’s Community Room with sound on Monday, September 9, 2019 at 6:30 p.m. A kid-friendly discussion about Jazz, its
instruments as well as some fun music will liven up the evening. All ages are welcome to attend.

g. State law requires that the City Council orally report a summary of a recommendation for final action on the salary of employees that report to the City Council, such as the City Manager. The City Manager’s contract, which the City Council unanimously approved on June 26, 2018, provides for a 3% raise to the base salary of $236,500, which is $243,595, retroactive to July 1, 2019.

h. Introduction of the new logo and name for San Bruno Municipal Cable

5. 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.


e. Adopt Resolution Rejecting Bid and Authorizing Staff to Re-Advertise for Bids for the Advanced Commercial Water Meter Replacement Project.

f. Adopt Resolution Authorizing the City Manager to Execute a Contract with Water Works Engineers for Design Services for the Sneath Lane and Lake Drive Pump Stations Rehabilitation Project in an Amount Not to Exceed $546,037.

g. Adopt Resolution Accepting the 1st Avenue Sewer Main Replacement Project as Complete, Authorizing the Filing of Notice of Completion with the San Mateo County Recorder’s Office, and Authorizing Release of the Construction Contract Retention in the Amount of $49,961.

h. Adopt Resolution Establishing a Salary Range for Parks and Facilities Manager Position; Authorize the Reinstatement of the Parks and Facilities Manager Position; and Appropriate $42,500 in the General Fund and $42,500 in the Building and Facilities Internal Service Fund Using General Fund Balance to Fund the Position in the Fiscal Year 2019-20 Budget.

Marty Medina, Council Member, requested to pull items 5.e, 5.f. and 5.h. for further discussion.

M/S O’Connell/Davis to approve the Consent Calendar, excluding items 5.e., 5.f. and 5.h. Motion carried unanimously by voice vote.

M/S Davis/Salazar to approve item 5.e. Motion carried unanimously by voice vote.

M/S Medina/Davis to approve item 5.f. Motion carried unanimously by voice vote. Immediately following this vote, the Council decided to continue the item a future meeting date.

M/S O’Connell/Salazar to approve item 5.h. Motion carried unanimously by voice vote.

M/S Salazar/O’Connell to rescind the vote approving item 5.f. Motion carried unanimously by roll call vote. The item will be reconsidered at a future meeting date.

6. CONDUCT OF BUSINESS:

a. Adopt Resolution Adopting the Green Infrastructure Plan.

Jimmy Tan, Public Works Director, presented the report.
M/S Salazar/O’Connell to adopt the resolution adopting the Green Infrastructure Plan. **Motion carried unanimously by roll call vote.**

b. **Adopt** Resolution Approving Residential Permit Parking Program Guidelines; Waive First Reading and Introduce an Ordinance Regarding Amendments to San Bruno Municipal Code Chapter 7.18, Residential Permit Parking.

**Jovan Grogan, City Manager, Jimmy Tan, Public Works Director, Marc Zafferano, City Attorney and Ed Barberini, Police Chief**, presented the report.

The following members of the public spoke regarding this item:
- Dennis Walsh – Spoke regarding concerns over the program.
- Sandra Perez Vargas – Spoke regarding parking concerns.
- Maria – Spoke regarding parking concerns.

M/S Salazar/O’Connel to waive the first reading and introduce an ordinance regarding amendments to the San Bruno Municipal Code Chapter 7.18, Residential Permit Parking. **Motion carried unanimously by roll call vote.**

M/S Salazar/O’Connell to adopt a resolution approving the residential parking permit program guidelines. **Motion carried unanimously by roll call vote.**

7. **COMMENTS FROM COUNCIL MEMBERS:**

- **Marty Medina, Council Member** announced the American Legion breakfast on Saturday, August 31, 2019.
- **Irene O’Connell, Vice Mayor** promoted the General Plan historical blogs.
- **Rico Medina, Mayor** congratulated members of the San Bruno Explorers on a recent event.

8. **ADJOURNMENT** – The meeting adjourned at 9:51 p.m.

Minutes were prepared by Melissa Thurman, City Clerk and will be presented to the City Council for approval at the meeting of September 10, 2019.

____________________________
Melissa Thurman, CMC
City Clerk

____________________________
Rico E. Medina
Mayor
DATE: September 10, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Melissa Thurman, City Clerk

SUBJECT: Accept Resignation from Community Preparedness Committee Member Effective August 31, 2019 and Direct the City Clerk to Post a Notice of Vacancy in Accordance with State Law.

BACKGROUND:
On August 23, 2019, the City Clerk’s Office received a resignation letter from Community Preparedness Committee Member Trisha Howard, announcing her resignation from the Committee effective August 31, 2019. This leaves one vacancy on the Community Preparedness Committee. There is currently one active recruitment being held, for one vacancy on the Planning Commission. The Planning Commission recruitment is scheduled to expire on Friday, September 13, 2019.

DISCUSSION:
Pursuant to Government Code Section 54974, a “Notice of Vacancy” will be posted for a minimum of ten days for the Community Preparedness Committee recruitment, and a notice of this recruitment will be sent to San Bruno citizens who had previously expressed an interest in serving on this Commission.

FISCAL IMPACT:
None.

ALTERNATIVES:
1. Do not accept new applications and postpone recruitment to combine with future vacancies.

RECOMMENDATION:
Accept Resignation from Community Preparedness Committee Member Effective August 31, 2019 and Direct the City Clerk to Post a Notice of Vacancy in Accordance with State Law and Initiate the Process for the Appointment of a new Community Preparedness Committee Member.

ATTACHMENTS:
1. Resignation Letter from Trisha Howard

DATE PREPARED:
August 30, 2019
Wednesday, August 14, 2019

City of San Bruno Community Preparedness Committee
Attn: George Peponis, Chair of the Community Preparedness Committee
567 El Camino Real
San Bruno, CA 94066

Dear Mr. George Peponis,

This is my formal letter of resignation from the City of San Bruno, Emergency Preparedness Committee, effective as of August 31, 2019. At this date, I am moving my residence from the City of San Bruno to the City of Dublin, and will no longer qualify as a San Bruno resident. Therefore, I am no longer able to serve as a City Commissioner.

I have thoroughly enjoyed my tenure as a Commissioner and have appreciated the opportunity to serve my community.

With Gratitude and Appreciation,

Trisha Howard
DATE: September 10, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Marc Zafferano, City Attorney
       Jimmy Tan, Public Works Director

SUBJECT: Waive Second Reading and Adopt an Ordinance Regarding Amendments to San Bruno Municipal Code Chapter 7.18, Residential Permit Parking

BACKGROUND:

To address resident concerns regarding the lack of available parking within residential neighborhoods, the City Council adopted a resolution implementing Residential Permit Parking Program Guidelines at its regular meeting on August 27, 2019. The City Council also introduced amendments to Municipal Code Chapter 7.18 to ensure consistency with the adopted Guidelines.

The City Council had previously taken a number of steps to discuss the feasibility and implementation process to establish a residential permit parking program.

1. The City Council and the Traffic Safety and Parking Committee (TSPC) members formed a joint subcommittee in March 2017 to evaluate the feasibility of implementing the residential permit parking program and to discuss determine the process to establish such a program. The result of the evaluation was presented to the City Council on May 8, 2018.

2. A Parking Town Hall meeting was held on January 23, 2019, where staff proposed a Residential Permit Parking Program to be approved by City Council in July 2019.

3. On July 16, 2019, a Study Session was held with City Council and staff presented the permit parking program guidelines and recommendation for Council direction. The purpose of the meeting was to obtain City Council’s input on the details of several policies such as: enactment process, enforcement window, quantity of permits, permit cost, visitor/guest parking permits, parking exemptions, and implementation process.

At its meeting on August 27, 2019, the City Council discussed and adopted without substantive changes the Residential Permit Parking Program Guidelines, which had been previously vetted at a City Council Study Session on July 16, 2019. The Guidelines address issues such as how a parking district can be established by residents, the enforcement window for permit parking, the quantity of permits per household, permit cost, the number of
visitor/guest permits, parking exemptions, and the implementation process. The City Council also considered amendments to San Bruno Municipal Code Chapter 7.18, Residential Permit Parking, which currently authorizes the establishment of a permit parking program around the BART and Caltrain stations. To expand the program into other areas, and to authorize the proposed program, it is necessary to amend the ordinance.

DISCUSSION:

On August 27, 2019, the City Council considered the following proposed amendments to Chapter 7.18:

1. Recognition that external or other parking impact generators may affect the available demand for parking;
2. Allowance for electronic or other forms of parking permit “displays” for enforcement purposes;
3. Authorization to adopt permit parking program guidelines; and
4. Minor wording changes for consistency with the guidelines.

The City Council introduced these amendments on August 27, 2019, and the ordinance is now presented for adoption with no additional changes.

FISCAL IMPACTS:

There are no fiscal impacts associated with adopting the ordinance.

ALTERNATIVES:

1. Request additional information or make substantive changes to the ordinance before adoption. The ordinance would need to be re-introduced at a later meeting.

RECOMMENDATION:

Waive second reading and adopt an ordinance regarding amendments to San Bruno Municipal Code Chapter 7.18, Residential Permit Parking.

ATTACHMENTS:

1. Amendments to Chapter 7.18 for adoption

DATE PREPARED:

August 28, 2019

DISTRIBUTION:

None
ORDINANCE NO. 2019-______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO AMENDING
CHAPTER 7.18, RESIDENTIAL PERMIT PARKING TO THE CITY OF SAN BRUNO
MUNICIPAL CODE

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

SECTION 1. FINDINGS.

WHEREAS, the Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, it is in the public interest for the City to establish reasonable, uniform and comprehensive regulations for Residential Permit Parking Programs to mitigate the availability of on-street parking in certain areas of the City, and to provide residents of those areas with a process to establish such a Program; and

WHEREAS, concurrently with the adoption of the amendments to this ordinance, the City Council is also by resolution adopting Residential Permit Parking Program Guidelines and Procedures, which may be amended from time to time, and it is the intent of the City Council that this ordinance be consistent with such Guidelines and Procedures.

SECTION 2. REGULATION.

Chapter 7.18 (Residential Permit Parking) of the San Bruno Municipal Code is hereby amended as indicated herein. This regulation shall prevail over any conflicting provisions of the San Bruno Municipal Code or the other ordinances, resolutions, policies, and regulations of the City of San Bruno.

Chapter 7.18 RESIDENTIAL PERMIT PARKING

7.18.010 Purpose and intent.

The city council is enacting the ordinance codified in this chapter in order to:

A. Create a preferential parking program for streets impacted by transit facilities, or external or other parking impact generators, which program is necessary to alleviate certain nuisance parking by nonresident vehicles and to provide reasonably available and convenient parking for the adjacent resident;

B. Protect the residents of designated residential parking permit districts from unreasonable burdens in gaining access to their residences;

C. Preserve the character of designated residential parking permit districts as residential neighborhoods;

D. Promote the peace, comfort, convenience and welfare of all inhabitants of the city;
E. Promote a cooperative effort among neighbors in dealing with a shortage of parking spaces on the streets where they reside;

F. Create procedures that will enable residents of the city to request the establishment of neighborhood parking restrictions within the area in which they live which are in addition to, and likely to be more restrictive than, the city’s standard parking regulations for such area based upon established criteria as set forth in this chapter;

G. Provide for the issuance of a certain number of parking permits to the residents of such designated areas, the display of which will serve to exempt their vehicles from the parking restrictions. (Ord. 1697, 2004)

7.18.020 Legislative findings.

The city council finds:

A. That commuter vehicles, defined as those vehicles operated by persons whose destinations are to nonresidential areas, and vehicles associated with external or other parking impact generators, do or may substantially and regularly interfere with the use of the majority of available public street or alley parking spaces by adjacent residents;

B. That the interference by the commuter and other vehicles referred to in subsection A of this section occurs at regular and significant daily or weekly intervals;

C. That the majority of the residents adjacent to the proposed preferential residential permit parking district support its creation and are impacted by BART or Caltrain transit facilities, or external or other parking impact generators;

D. That no unreasonable displacement of commuter and other such vehicles will result into surrounding residential areas;

E. That a shortage of reasonably available and convenient residential relating parking spaces exists in the area of the proposed zone; and

F. That no alternative solution is feasible or practical. (Ord. 1697, 2004)

7.18.030 Definitions.

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

A. “Demonstrated need” means and includes, but is not limited to, a situation where the city council determines that there is strong support by the residents within a proposed residential permit parking district for creating such a district due to measured impacts from either BART or Caltrain transit facilities, or external or other parking impact generators.

B. “Display” means to maintain and associate with the subject vehicle a placard, sticker, or other identifying object, whether physical or electronic.

C. “Dwelling unit” means a house, apartment, condominium, townhouse, or other type of residence, designed and used exclusively for residential occupancy, but not including motels or hotels.
D. “Guest” means a person who visits or is employed by a resident within a residential permit parking district.

E. “Motor vehicle” means an automobile, truck, motorcycle or other motor-driven form of transportation not in excess of ten thousand pounds gross weight.

F. “Nonresident vehicle” means a motor vehicle parked or left standing in a designated residential permit parking district without having displayed thereon a parking permit for such district issued by the city pursuant to this chapter, regardless of whether such motor vehicle is owned or being used by a resident of the designed permit parking district.

G. “Owner” means a person that has at least a one-half interest in a parcel of real property within a residential permit parking district.

H. “Parking permit” means a permit issued by the city pursuant to this chapter to a resident of a designated permit parking district for display on a vehicle owned or used by such resident or his or her guests which is parked or left standing within the boundaries of such district.

I. “Parking restrictions” means the amount of time, and/or the day and time of day, vehicles shall be prohibited from parking on a street in a residential permit parking district except with a valid permit. An example of such restrictions may include, “two-hour parking, seven a.m. to six p.m. Monday through Friday, holidays and permits exempted.”

J. “Resident” means any person eighteen years of age or older whose legal residential address is a dwelling unit located within a residential permit parking district.

K. “Resident vehicle” means a motor vehicle parked in a residential permit parking district that is currently registered with the State Department of Motor Vehicles to a resident residing at an address within the residential permit parking district.

L. “Residential permit parking district” means a contiguous or nearly contiguous residential area with streets or boundaries designated by resolution of the city council establishing the district wherein vehicles displaying a valid permit shall be exempt from parking restrictions established pursuant to this chapter. (Ord. 1697, 2004)

7.18.040 Designation criteria for the establishment of a residential permit parking district.

The following criteria shall be used by the city council in determining whether a residential permit parking district shall be established:

A. A residential parking permit district shall only be considered for streets substantially impacted by BART or Caltrain transit facilities, or an external or other parking impact generator.

B. There shall be a “demonstrated need” for the establishment of a residential parking permit district before considering implementation. This may include, but is not limited to, a petition by the residents within the proposed district documenting a strong level of support for the formation of such a district and measuring the actual impacts caused by nonresident vehicles utilizing a transit facility.
C. Requests to establish residential parking permit districts on specific streets shall be reviewed by the Public Works Department. Review shall validate compliance with the demonstrated need criteria and recommend the specific parking restrictions that are to be imposed within the district.

D. Establishment of a residential parking permit district shall be through council resolution.

7.18.050 Modification or elimination of designated permit parking district.

The city council may modify the boundaries of a designated residential permit parking district or any of the parking restrictions applicable to such area, or the council may abolish the entire district or rescind any of such restrictions by resolution following a public hearing. (Ord. 1697(part), 2004)

7.18.060 Issuance of permits.

A. Persons residing within a designated permit parking district may apply to the police department for parking permits, which shall be granted upon payment of the application fee and submittal of documentation acceptable to the chief of police, or his or her authorized representative, showing proof of residency and matching proof of vehicle registration from the owner residing within the designated district to use each motor vehicle for which a parking permit is requested.

B. The City Council shall, by resolution, adopt Residential Parking Permit Program Guidelines and Procedures, which may be amended from time to time, and which will govern the implementation and operation of the Program.

C. Permits will not be issued for trailers, boats, mobile homes, construction related equipment or commercial vehicles exceeding six thousand pounds gross vehicle weight.

D. The number of permits that may be issued to the occupants of each dwelling unit located within the designated permit parking district shall not exceed two per dwelling unit, provided, however, that the chief of police, or his or her designee, upon the showing of special circumstances or unavoidable hardship, shall have authority to issue a greater number of parking permits to the occupants of any dwelling unit within the designated permit parking district.

E. Parking permits shall be issued for a term of two years and may be renewed for additional terms of two years upon payment of the renewal fee and, if requested by the chief of police, upon resubmittal of the applicant’s proof of residency and proof of vehicle ownership.

F. The chief of police shall determine from time to time the manner in which vehicles will be required to display residential parking permits.

G. The chief of police shall have authority to issue rules and regulations concerning the granting, renewal and display of parking permits, provided the same are consistent with the terms and provisions of this chapter.
H. In the event any person is denied a permit to park within the designated residential permit parking district, he or she shall have the right to appeal the decision in accordance with Chapter 1.32 (Appeals to Council) of this code. (Ord. 1697, 2004)

7.18.070 Fees for issuance—Duration of permits.

A. The council may establish, by resolution, fees for the issuance of residential parking permits, guest parking permits and for the replacement of lost, damaged or destroyed permits or stickers as set forth in the city’s master fee schedule.

7.18.080 Termination of permits.

A. Residential or guest parking permits shall terminate upon any of the following events:

1. When the vehicle for which a permit has been issued is either transferred or sold;
2. When the permit holder no longer owns, resides in, or leases a residence within the residential permit parking district;
3. Upon the expiration of the calendar years for which a permit has been issued. (Ord. 1697, 2004)

7.18.090 Guest parking permits.

A. An eligible applicant may obtain a guest parking permit for the purpose of allowing a guest to park within the residential permit parking district.

B. An eligible applicant for a guest parking permit shall be any person eligible to obtain a residential parking permit pursuant to criteria set forth in this chapter.

C. Guest parking permits shall be issued as specified in the Residential Parking Permit Program Guidelines and Procedures.

7.18.100 Display of permits.

A. Parking permits shall be displayed as provided in the Residential Parking Permit Program Guidelines and Procedures.

7.18.110 Posting of signs.

A. Prior to the posting of signs, the city council shall adopt a resolution designating the boundaries of a residential permit parking district, the time limitation upon parking within the district, and the days and hours during which parking shall be restricted, as determined by the city council after the public hearing.

B. The parking restriction established for a residential permit parking district shall become effective and enforceable upon the posting of street signs giving notice of such restrictions to the public in the manner prescribed by the California Vehicle Code. The public works director shall have the responsibility of installing and maintaining such signs.
C. Street signs giving notice of parking restrictions shall be double sided and placed so as not to be more than one hundred and fifty feet between signs.

7.18.120 Violations.

A. It is the sole responsibility of the owner, operator, or manager of a vehicle for which a valid parking permit has been issued to become familiar with the provisions for and limitation on the use of the parking permits. Ignorance of the provisions and limitations of this chapter is not a defense against any action brought about due to an illegal use of the permit.

B. Violations of this section shall be deemed to be an infraction and each person in violation of this section shall pay a fine in such amount as established from time to time by resolution of the city council. It is unlawful and a violation of this chapter, unless expressly provided to the contrary herein, for any person:

1. To park a motor vehicle in excess of the posted time restrictions on a street in a residential permit parking district without a valid parking permit property affixed;

2. To park a motor vehicle within a residential permit parking district with parking permit evidencing that such permit has expired or has been terminated or is not valid for the area in which such vehicle has been parked;

3. To falsely represent himself or herself as eligible for a parking permit or to furnish false information in an application for any such permit;

4. To use or display a parking permit on a motor vehicle other than that vehicle for which such permit was issued;

5. To sell, lend or otherwise permit the use or display of a parking permit for the purpose of profit or favor;

6. To copy or create a facsimile or counterfeit parking permit, nor shall any person use or display a counterfeit parking permit;

7. To park a motor vehicle upon any street during those hours in which parking is prohibited for street sweeping, road repair, or during emergencies.

C. All nonresident vehicles which are parked or left standing in violation of any parking restriction established pursuant to this chapter shall be subject to the same fines and penalties in effect for such area.

D. For violation of this chapter, the chief of police, or his or her authorized representative, may revoke the residential parking permit of any person found to be in violation of this chapter. Upon written notification thereof, the person shall surrender such permit to the chief of police, or his or her authorized representative. Failure to do so shall constitute a separate violation of this chapter. Any appeal of the decision to revoke the residential parking permit shall be made in accordance with Chapter 1.32 (Appeals to Council) of this code. (Ord. 1697, 2004)
7.18.130 Exemptions.

A. A motor vehicle on which is displayed a valid, unexpired parking permit shall be permitted to stand or be parked within the designated permit parking district for which such permit has been issued without being subject to the neighborhood parking restrictions established for such district pursuant to this chapter. Such parking permit shall not constitute the guarantee or reservation of an on-street parking space for the exclusive use of the permit holder.

B. Nothing contained in this chapter shall be interpreted in a manner that will affect, impair, or supersede the enforcement of any other state or local laws, ordinances, or regulations, whether pertaining to parking or otherwise, and the same shall continue to be applied with full force and effect in all designated permit parking areas. In the event of any conflict or inconsistency with the parking restrictions established pursuant to this chapter, such other laws, ordinances and regulations shall be controlling.

C. This chapter shall not permit the residential permit parking holder to leave standing his or her vehicle for more than seventy-two hours nor during the times posted for street sweeping, if applicable.

D. The following vehicles are specifically exempted from the parking restrictions imposed by this chapter:

1. Motor vehicles being used by a disabled person meeting the requirements of Section 22511.5 of the California Vehicle Code and displaying a valid, unexpired identification placard;

2. Ambulances, fire department vehicles, police vehicles, authorized emergency vehicles as defined by state law, public utility vehicles engaged in work in the designated residential parking permit area or other official city vehicles used in the course of official government business;

3. Commercial vehicles parked for the purpose of loading or delivering of goods, wares or merchandise from or to any building or structure in a residential permit parking district or delivering materials to be used in the repair, alteration, remodeling, construction or reconstruction of any such building or structure for which a building permit has previously been obtained. (Ord. 1697, 2004)

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of San Bruno hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.
SECTION 4. CEQA.

This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. 14 Cal. Code Regs. § 15378(a). Further, this Ordinance is exempt from CEQA as there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. 14 Cal. Code Regs. § 15061(b)(3). The City Clerk of San Bruno shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 6. PUBLICATION.

The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published in a newspaper of general circulation at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the City Clerk, and within fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the City Clerk, in accordance with California Government Code Section 36933.

Rico E. Medina
Mayor

ATTEST:

Melissa Thurman, CMC
City Clerk

APPROVED AS TO FORM:

Marc Zafferano
City Attorney
I hereby certify that foregoing Ordinance No. _________ was introduced at a regular meeting of the San Bruno City Council on _________, 2019, and adopted by the San Bruno City Council at a regular meeting on _________, 2019 by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:
DATE: September 10, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Jovan D. Grogan, City Manager
PREPARED BY: Keith DeMartini, Finance Director
SUBJECT: Adopt Resolution Increasing the City of San Bruno’s Aggregate Credit Limit with Tri Counties Bank from $125,000 to $350,000

BACKGROUND:

In 1989, the City Council authorized the City to expand its procurement business processes to allow certain City staff to obtain a City-issued credit card to use for purchases of goods and services that may not be able to be made through a more typical purchase order process, small dollar amount and/or a purchase that is needed to be made immediately. Typical examples of credit card transactions include training, conferences, small supplies, and other miscellaneous meeting expenses. The City’s initial credit card limit was set at $75,000.

On January 23, 2001, the City Council authorized the City’s aggregate credit limit to be increased from $75,000 to $125,000 noting frequent individual card limits being approached. As of the date of this staff report, 41 City staff have been approved to use a City-issued credit card with an individual card credit limit ranging from $1,000 to $9,000, depending on the frequency and type of use required by staff. Generally, Department Directors, supervisors and staff who are required to make frequent purchases are issued a City credit card.

As the City’s Purchasing Officer, the Finance Director manages all aspects of the City’s credit card program, including periodically reviewing quantity, types and amount of purchases, staff usage, payment processing, supporting documentation, and review of individual card credit limits. If it is determined that a staff person is required to have a City-issued credit card as a necessary requirement to perform their job functions, the Department Director will submit a request to the Finance Director. The Finance Director will approve the request with a specific credit limit, and a card request will be submitted to the City’s bank.

City staff retain receipts for all purchases made using the City-issued credit card and submit a monthly payment packet to the Finance Department to ensure all cards are paid off, in full, every month.

ITEM 6.a.
DISCUSSION:

On May 1, 2019, the City’s new purchasing policy took effect. The new policy streamlines, modernizes and standardizes many business processes as it relates to procurement activities. The new policy also adjusted purchasing thresholds to give the City Manager the authority to execute agreements with vendors from $25,000 up to $75,000 primarily due to inflationary adjustments of purchases since the $25,000 threshold was originally set back in 1988.

Similarly, the $125,000 credit limit for the City was set on January 23, 2001. The impact of inflation increases over these years reduces the ability for staff to purchase a similar quantity and cost of items on the card as they did over 18 years ago. In certain months, the amount of purchases come close to maxing out the monthly credit limit. Certain staff reach their credit limits and are unable to make purchases later in the month.

The table below summarizes the current, aggregate credit limits, number of card holders and the average credit limit per card holder for San Bruno compared to Daly City, San Mateo, Redwood City, South San Francisco, Foster City, Menlo Park, San Carlos, Belmont, Millbrae and Brisbane, sorted by population.

<table>
<thead>
<tr>
<th>City</th>
<th>Population¹</th>
<th>Credit Limit</th>
<th>Number of Card Holders</th>
<th>Average Credit Limit per Card Holder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daly City</td>
<td>107,074</td>
<td>$188,000</td>
<td>38</td>
<td>$4,947</td>
</tr>
<tr>
<td>San Mateo</td>
<td>104,748</td>
<td>$500,000</td>
<td>184</td>
<td>$2,717</td>
</tr>
<tr>
<td>Redwood City</td>
<td>86,685</td>
<td>$300,000</td>
<td>159</td>
<td>$1,887</td>
</tr>
<tr>
<td>South San Francisco</td>
<td>67,429</td>
<td>$250,000</td>
<td>110</td>
<td>$2,273</td>
</tr>
<tr>
<td><strong>San Bruno</strong></td>
<td><strong>43,299</strong></td>
<td><strong>$125,000</strong></td>
<td><strong>41</strong></td>
<td><strong>$3,049</strong></td>
</tr>
<tr>
<td>Foster City</td>
<td>34,412</td>
<td>$250,000</td>
<td>30</td>
<td>$8,333</td>
</tr>
<tr>
<td>Menlo Park</td>
<td>34,357</td>
<td>$357,000</td>
<td>91</td>
<td>$3,923</td>
</tr>
<tr>
<td>San Carlos</td>
<td>30,499</td>
<td>$25,000</td>
<td>1</td>
<td>$25,000</td>
</tr>
<tr>
<td>Belmont</td>
<td>27,140</td>
<td>$80,000</td>
<td>40</td>
<td>$2,000</td>
</tr>
<tr>
<td>Millbrae</td>
<td>22,718</td>
<td>$50,000</td>
<td>28</td>
<td>$1,786</td>
</tr>
<tr>
<td>Brisbane</td>
<td>4,721</td>
<td>$75,000</td>
<td>10</td>
<td>$7,500</td>
</tr>
</tbody>
</table>

Of the cities where credit limit information was obtained, San Mateo has the highest credit limit of $500,000 while San Carlos has the lowest of $25,000. San Mateo and Redwood City have significantly more card holders than other cities. And the average credit limit per card holder ranges from $1,786 to $25,000, with San Bruno near the middle with $3,049. Multiple cities indicated they have issues with staff reaching their credit limits throughout the month and are planning to request a higher limit in the future, among other credit card program changes.

Staff have recently determined and are developing procedures to leverage City-issued credit cards in the event of an emergency. It may be challenging for staff to acquire the necessary materials and services immediately following an emergency from vendors. Recently, both the Community Services Director and City Manager’s credit cards were declined from making purchases because their limits were met in trying to address the air conditioning issue at the

¹ Source: United States Census Bureau as of 2017
Police Department. Staff may be required to more heavily rely on using City-issued credit cards to respond to an emergency as quickly as possible. Credit card purchases that might be necessary immediately following an emergency would be food, lodging, sanitary and cleaning services, temporary fencing, hand tools, safety gear, computers, equipment and vehicle rentals for first responders, building inspectors, technical specialists and employees. At the time the City’s credit card program was implemented, the need to have credit capacity in the case of an emergency was not considered. The cities above did not indicate that their existing limits were set to have capacity for additional charges in the event of an emergency.

In the event of an emergency, the City’s bank would allow for a 10% credit limit increase, or $12,500 based on the current limit, automatically. This will likely not be adequate depending on the size and scope of the emergency.

City staff have negotiated and have been pre-authorized to have the credit limit increased from $125,000 to $350,000. The increased credit limit would provide for additional flexibility to adjust individual credit card limits during the year and timely response in the event of an emergency to the Finance Director to adjust individual credit card limits for staff who may be required to make additional purchases in order to respond. The Finance Director will continue to evaluate purchasing patterns using City-issued credit cards and will evaluate any changes to individual credit card limits based on business justification received from departments.

In order for the bank to increase the credit limit, the bank requires an approved resolution from the City Council.

FISCAL IMPACT:

There is no fiscal impact directly associated with adopting a resolution increasing the City of San Bruno’s aggregate credit limit with Tri Counties bank from $125,000 to $350,000. In the event of an emergency, staff will follow the Municipal Code and city regulations as it relates to emergency procurement procedures. Purchases made with credit cards will continue to be reviewed and controlled within the City Council adopted appropriation limits set in the City’s annual operating and capital budgets.

ALTERNATIVES:

1. Do not authorize increasing the City of San Bruno’s aggregate credit limit with Tri Counties Bank.
2. Authorize increasing the City of San Bruno’s aggregate credit limit with Tri Counties Bank to a different amount other than $350,000.

RECOMMENDATION:

Adopt Resolution Authorizing Increasing the City of San Bruno’s Aggregate Credit Limit with Tri Counties Bank from $125,000 to $350,000
DISTRIBUTION:
None.

ATTACHMENTS:
1. Resolution

DATE PREPARED:
September 4, 2019
RESOLUTION NO.2019-______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BRUNO INCREASING THE CITY OF SAN BRUNO’S AGGREGATE CREDIT LIMIT WITH TRI COUNTIES BANK FROM $125,000 TO $350,000

WHEREAS, a meeting of the City Council of the CITY OF SAN BRUNO, was held on August 27, 2019, at SAN BRUNO, CA, pursuant to, and, upon a motion made regularly and in proper order, and seconded, the City Council of CITY OF SAN BRUNO, agreed:

WHEREAS, the City applied for and was approved for a corporate general-purpose credit account in 1989,

WHEREAS, City staff routinely use their City-issued credit card for purchases of goods and services that may not be able to be made through a more typical purchase order process, small dollar amount and/or a purchase that is needed to be made immediately,

WHEREAS, from time to time the City Council has authorized increases in the aggregate credit limit to meet the operational needs of the City,

WHEREAS, approved use of the existing cards on a monthly basis has been near the current authorized limit of $125,000, and Tri Counties Bank requires the City Council resolution to increase the City’s aggregate credit limit,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN BRUNO HEREBY RESOLVES AS FOLLOWS:

BE IT FURTHER RESOLVED that the City shall borrow the original principal sum of THREE HUNDRED FIFTY THOUSAND DOLLARS ($350,000.00) from TRI COUNTIES BANK, under such terms and conditions, including the pledging of collateral for the loan/line of credit, and the opening or maintaining of deposit accounts, and such other terms as may be needful or required.

BE IT FURTHER RESOLVED that the promissory notes, and any other certifications of indebtedness as well as any other warranties, bonds, indentures, and other agreements which may be required by TRI COUNTIES BANK, may be signed on behalf of the City by its City Manager, Jovan D. Grogan, or Keith DeMartini, Finance Director, or his or her designee.

ATTACHMENT 1
I, Melissa Thurman, 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 10th day of September 2019 by the following vote:

AYES: Councilmembers: ____________________________________________

NOES: Councilmembers: ____________________________________________

ABSENT: Councilmembers: ____________________________________________

Melissa Thurman, CMC
City Clerk
DATE: September 10, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Jimmy Tan, Public Works Director

SUBJECT: Adopt Resolution Authorizing the City Manager to Execute a Contract with Water Works Engineers for Design Services for the Sneath Lane and Lake Drive Pump Stations Rehabilitation Project in an Amount Not to Exceed $546,037 and Appropriating $210,000 from the Water Fund

BACKGROUND:

The City’s water distribution system includes eleven (11) pressure zones, approximately 120 miles of distribution pipelines, five (5) connections to San Francisco Public Utilities Commission (SFPUC) connection turnouts, four (4) groundwater wells, eight (8) storage tanks, eight (8) booster pump stations and twenty-six (26) pressure regulating stations. The Sneath Lane and Lake Drive pump stations are two critical water facilities that supply water to serve residents in the Rollingwood neighborhood along the northern section of Fleetwood Drive along Skyline Boulevard and the Portola Highlands neighborhood.

In 2012, the City completed the Water System Master Plan which identified strategies for maintaining and improving the water system for existing and future water demands. The Master Plan evaluated the existing water system, identified deficiencies and made recommendations to resolve system related issues. The Master Plan recommended improvements at both Sneath Lane and Lake Drive pump station facilities.

A preliminary assessment indicated that both pump station facilities require improvements to various exterior and interior components such as roofing, building siding, electrical and motor control center (MCC) units. Both pump stations also lack standby emergency generators to keep the station running in instances when power outage occurs. The other station specific issues include soil erosion at Sneath Lane Pump Station building foundation and flooding at Lake Drive Pump Station from storm water runoff. Completion of this project will provide the City with improved facilities that are capable of providing residents with more reliable water service.

DISCUSSION:

The City issued a Request for Proposals (RFP) for design services of the Sneath Lane and Lake Drive Pump Stations Rehabilitation Project in March 2019. Staff received two proposals and conducted an evaluation based on the firms’ project understanding and
approach, qualifications and experience of the project team, and completion of similar projects for public agencies in the Bay Area.

Based on the evaluation of the proposals and follow-up phone interviews, Water Works Engineers demonstrated to have a thorough understanding of pump station facility rehabilitation design and provided references for previous similar projects. Water Works Engineers has experience with seven pump station projects in the Bay Area within the past five years. The firm has previously completed pump station projects for San Jose Water, CalWater, and City of Roseville and have commended Water Works Engineers to be very responsive, proactive in solving issues, and technically sound.

Staff is recommending to award the project to Water Works Engineers. The scope of services include performing site reconnaissance of existing pump station facilities, evaluation of electrical facilities, conducting site survey, designing building expansion and back-up generator, design of the electrical and MCC units to meet recent electrical code, preparing plans and specifications, and providing bid and construction support services.

Staff estimates that site investigation, design, and preparation of contract documents including plans and specifications will take approximately twelve months to complete. If awarded, it is anticipated that the design would be completed by November 2020.

**FISCAL IMPACT:**

The FY 2019-20 Capital Improvement Program (CIP) budget includes appropriation for design of the Sneath Lane and Lake Drive Pump Stations Rehabilitation Project.

The estimated total design cost for both pump stations is as follows:

<table>
<thead>
<tr>
<th></th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design (Water Works Engineers)</td>
<td>$546,037</td>
</tr>
<tr>
<td>Staff Project Management</td>
<td>$54,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$600,037</strong></td>
</tr>
</tbody>
</table>

There is a carryover balance of $197,753 for the Sneath Lane Pump Station and $198,085 for the Lake Drive Pump Station, totaling $395,838 in the FY 2019-20 CIP for design of both facilities which is insufficient to cover Water Works Engineers’ design services and staff project management. The initial budget estimate included evaluation of the pump station and design of the emergency standby generators at both facilities. However, the scope of work was revised to include structural assessment, design of electrical facilities replacement to comply with code, designing new manifold with flow meters, replacement of piping and valves at Lake Drive Pump Station, and design of variable frequency starters at both pump stations. The additional design components required additional budget to complete the work. Therefore, staff is requesting an appropriation of $210,000 from the Water Fund to supplement the budget needs for the design phase. The FY 2019-20 adopted budget shows an adequate fund balance of $14,512,722 to cover the requested appropriation.

Once the design is completed and an engineer’s estimate is prepared for the construction cost, staff will evaluate the construction project budget and request any additional appropriations needed during the award of the construction contract.
ALTERNATIVES:

1. Direct staff to issue a new request for proposals. The RFP was sent out to 88 consultants in the City's consultant directory and it is unlikely that any additional proposals will be received.
2. Do not authorize the award of this contract and defer the project. These pump stations would continue to deteriorate and will not function during instances of power outage.

RECOMMENDATION:

Adopt resolution authorizing the City Manager to execute a contract with Water Works Engineers for design services of the Sneath Lane and Lake Drive Pump Stations Rehabilitation Project in an amount not to exceed $546,037 and appropriating $210,000 from the Water Fund.

ATTACHMENTS:

1. Resolution
2. CIP Budget Document
3. Lake Drive Pump Station Location
4. Sneath Lane Pump Station Location

DISTRIBUTION:

None

DATE PREPARED:

July 23, 2019
RESOLUTION NO. 2019-____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WATER WORKS ENGINEERS FOR DESIGN SERVICES OF THE SNEATH LANE AND LAKE DRIVE PUMP STATIONS REHABILITATION PROJECT IN AN AMOUNT NOT TO EXCEED $546,037 AND APPROPRIATING $210,000 FROM THE WATER FUND

WHEREAS, the Water System Master Plan completed in 2012 recommended improvements at both Sneath Lane and Lake Drive Pump Stations; and

WHEREAS, the preliminary assessment indicated that both pump station facilities requires improvements to various exterior and interior components such as roofing, building siding, electrical and motor control center (MCC) units; and

WHEREAS, both pump stations also lack standby emergency generators to keep the station running in instances when power outage occurs; and

WHEREAS, the City received two proposals and staff evaluated the proposals based on the firms project understanding and approach, qualifications and experience, and completion of similar projects; and

WHEREAS, staff has recommended Water Works Engineers to provide the design for the Sneath Lane and Lake Drive Pump Stations Rehabilitation Project based on their qualifications and experience in pump station design with public agencies in Northern California; and

WHEREAS, the scope of services include performing site reconnaissance of existing pump station facilities, evaluation of electrical facilities, conducting site survey, structural assessment of the buildings, designing building expansion and back-up generator, design of the electrical and MCC units to meet recent electrical code, preparing plans and specifications, and providing bid and construction support services; and

WHEREAS, the current FY 2019-20 adopted CIP budget includes appropriation for design of the Sneath Lane and Lake Drive Pump Stations Rehabilitation Project which is insufficient to fund design services; and

WHEREAS, staff is requesting an appropriation of $210,000 from the Water Funds, which has adequate balance to cover the requested appropriation; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the City Manager to execute a contract with Water Works Engineers for design services of the Sneath Lane and Lake Drive Pump Stations Rehabilitation Project in an amount not to exceed $546,037 and appropriate $210,000 from the Water Fund.

Dated: September 10, 2019

ATTACHMENT 1
I, Melissa Thurman, 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 10th day of September 2019 by the following vote:

AYES: Councilmembers: ________________________________
NOES: Councilmembers: ________________________________
ABSENT: Councilmembers: ________________________________

Melissa Thurman, CMC
City Clerk
### Water Capital

**Pump Stations**

**Water Pump Station Improvement and Replacement Program - Project Detail**

**PROJECT #: 11004|11003|11012|11021**

**DEPARTMENT: Public Works**

**FUNDING SOURCES**

<table>
<thead>
<tr>
<th>Project</th>
<th>Prior Appropriations</th>
<th>FY2019-20</th>
<th>Total Appropriations</th>
<th>FY2020-21</th>
<th>FY2021-22</th>
<th>FY2022-23</th>
<th>FY2023-24</th>
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<td>Water Fund</td>
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<td>$1,283,414</td>
<td>$1,283,414</td>
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**PROJECT APPROPRIATIONS**

<table>
<thead>
<tr>
<th>Project</th>
<th>Prior Appropriations</th>
<th>FY2019-20</th>
<th>Total Appropriations</th>
<th>FY2020-21</th>
<th>FY2021-22</th>
<th>FY2022-23</th>
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<tr>
<td>Total</td>
<td>$1,300,000</td>
<td>$1,283,414</td>
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<td>$3,000,000</td>
<td>$-</td>
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<td>$-</td>
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</tr>
</tbody>
</table>
Attachment 3 – Lake Drive Pump Station
Attachment 4 – Sneath Lane Pump Station
DATE: September 10, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Jimmy Tan, Public Works Director

SUBJECT: Adopt Resolution Authorizing the City Manager to Execute an Agreement with Consolidated CM, Inc. to Provide Construction Management and Inspection Services for the Cunningham Water Tank (Water Tank No. 1) Replacement Project in an Amount Not to Exceed $564,000

BACKGROUND:

The City’s water distribution system includes eleven (11) pressure zones, approximately 120 miles of distribution pipelines, five (5) connections to San Francisco Public Utilities Commission (SFPUC) connection turnouts, four (4) groundwater wells, eight (8) water storage tanks, eight (8) booster pump stations and twenty-six (26) pressure regulating stations. Water storage tanks perform a critical function by providing storage capacity to meet operational, emergency and fire flow demands.

The Water Tank Improvement and Replacement Capital Improvement Program (Program) funds tank replacement, seismic retrofits, rehabilitation of tanks, and other significant modifications to the existing water tanks. In 2016, the City completed the replacement of Glenview Tank (Water Tank No. 1). The FY 2019-20 Program includes a project to replace Cunningham Water Tank (Water Tank No. 1). This tank replacement is a high priority within the recommended improvements because it is 55 years old and is reaching the end of its useful life. Additional water tanks such as the Sweeney Ridge (Water Tank No. 7) and Princeton (Water Tank No. 4) Water Tanks are scheduled for replacement within the next few years.

Water Tank No. 1 is located behind Cunningham Way between Interstate 280 and Cunningham Way and serves Zone 1/4, which generally encompasses the eastern quarter of the City. Due to its age and condition, the tank can utilize only approximately two thirds of its total 2.5 million gallons capacity. The project originally considered retrofitting the existing tank but upon further investigation, tank replacement was determined to be more cost effective in comparison to the extensive retrofit costs that would provide only short-term benefits.

This project will replace the existing water storage tank with a new pre-stressed concrete tank, structurally upgraded to meet current seismic design standards. A site-specific geotechnical study was performed to investigate earthquake faults and determine geotechnical recommendations for construction. The new tank will be situated in the same location as the existing tank. Because the tank is in the San Andreas earthquake fault zone, additional safety measures will be incorporated as a preventative measure. Measures will include installing an automatic emergency shutoff valve, replacing soils under the tank footprint with engineered fill, and installing geo-grid reinforcement.
The new facility design will be slightly smaller in diameter and the roof height will be about 10 feet taller to accommodate any seismically induced wave sloshing. During construction, water flow will be bypassed around Water Tank No. 1 with no anticipated impact or service disruption to residents.

On July 9, 2013, City Council authorized an agreement with Lee & Ro, Inc. for design services to perform an evaluation of retrofitting or replacing the tank, as well as provide a geotechnical study and project plans and specifications. Designs are 100% complete.

DISCUSSION:

The construction management and inspection of a tank replacement is a specialized work which requires high level of technical expertise in mechanical, electrical, structural and potable water systems construction inspection. The City staff do not have the specialized experience inspecting design and construction of water tanks. Staff is recommending to contract with a firm that has the experience to perform constructability review, construction management and inspection services for the project. The initial work by the firm will be to perform design review of the contract document to resolve any design and constructability issues prior to advertising for bid. After award of the construction contract, the same consulting firm will provide dedicated construction management, inspection and oversight of the project to ensure effective and timely delivery and to help reduce and mitigate the impacts of construction on the surrounding neighborhood.

In June 2019, the City issued a Request for Proposals for professional services to provide constructability review of contract documents and construction management and inspection for the Cunningham Water Tank Replacement project. The City received six proposals which were submitted by 4Leaf, Consolidated CM, CSG, MCK, Swinerton and Tanner Pacific, Inc. Based on the review of the proposals for team qualifications, completeness, and relevant experience, staff is recommending Consolidated CM, Inc. to provide the construction management and inspection services for the project in an amount not to exceed $564,000.

Consolidated CM, Inc. has completed construction management and inspection of projects on over twenty-five (25) water tanks of similar construction for other public agencies and water districts such as the Cities of Modesto and Calistoga, and the Town of Yountville. Consolidated CM, Inc. is considered to have the experience and qualifications to perform the work for this project. The references provided by the consultant were contacted and all provided positive and favorable feedback. They stated that the firm is very thorough in their work, provides all necessary support required in construction management and inspection, and is highly knowledgeable and responsive.

Consolidated CM, Inc. will provide constructability review comments that will be incorporated by the designer with contract documents completed in the Spring of 2020. Construction will take approximately one year for substantial completion with construction anticipated to begin in the Summer of 2020.

FISCAL IMPACT:

The total approved project budget is approximately $9 million. Adequate funding is available in the project budget to execute the agreement for construction management and inspection services in the amount of $564,000.

ALTERNATIVES:

1. Select a different consultant.
2. Direct staff to reissue a request for proposals. It is unlikely additional favorable proposals would be submitted, further delaying the construction of the project.

RECOMMENDATION:

Adopt resolution authorizing the City Manager to execute an Agreement with Consolidated CM, Inc. to provide construction management and inspection services for the Cunningham Water Tank (Water Tank No. 1) Replacement project in an amount not to exceed $564,000.

DISTRIBUTION:

None

ATTACHMENTS:

1. Resolution
2. Project Location Map
3. FY 2019-20 Capital Budget project sheet

DATE PREPARED:

August 23, 2019
RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CONSOLIDATED CM, INC. TO PROVIDE CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE CUNNINGHAM WATER TANK (WATER TANK NO. 1) REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED $564,000

WHEREAS, the existing Water Tank No. 1 on Cunningham Way performs a critical function by providing storage capacity to meet peak, emergency, and fire flow demands to Zone 1/4; and

WHEREAS, the existing Water Tank No. 1 is reaching its design life, cannot store the full water volume the tank was designed to hold and does not meet current seismic design standards; and

WHEREAS, the fiscal year 2019-20 Water Tank Improvement and Replacement Capital Improvement Program includes a project to replace Water Tank No. 1; and

WHEREAS, the City solicited requests for proposals for the construction management and inspection services for the project and received six proposals; and

WHEREAS, staff has negotiated a scope of work with Consolidated CM, Inc. to provide constructability review and construction management and inspection services; and

WHEREAS, Consolidated CM, Inc. has the knowledge, experience and qualifications to perform the construction management and inspection services; and

WHEREAS, the Cunningham Water Tank Replacement Project is an established Capital Improvement Project funded through Water Enterprise funds with an estimated total appropriation of approximately $9 million.

NOW, THEREFORE, BE IT RESOLVED that the San Bruno City Council hereby authorizes the City Manager to execute an Agreement with Consolidated CM, Inc. for construction management and inspection services for the Cunningham Water Tank (Water Tank No. 1) Replacement Project in an amount not to exceed $564,000.

Dated: September 10, 2019

ATTACHMENT 1
I, Melissa Thurman, 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 10th day of September 2019 by the following vote:

AYES: Councilmembers: ____________________________

NOES: Councilmembers: ____________________________

ABSENT: Councilmembers: ____________________________

Melissa Thurman, CMC
City Clerk
ATTACHMENT 2 – PROJECT LOCATION MAP
Cunningham Water Tank (Water Tank No. 1)
## Water Capital

**Water Tank Improvement and Replacement Program - Project Detail**

**PROJECT #: 85100 | 11022 | 11023**

**DEPARTMENT: Public Works**

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**ATTACHMENT 3**
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DATE: September 10, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Jimmy Tan, Public Works Director

SUBJECT: Adopt Resolution Authorizing the City Manager to Execute an Agreement with West Yost Associates for the Design of the Sweeney Ridge Water Tank (Water Tank No. 7) Replacement Project in an Amount Not to Exceed $842,150 and approve the appropriation of $393,810 from the Water Fund

BACKGROUND:

The City prepared a Water System Master Plan (Master Plan) in November 2012 to identify strategies for maintaining and improving the water system performance for existing and future water demands. The Master Plan evaluated the existing water system, identified deficiencies and made recommendations to resolve system issues. The Master Plan created a 20-year capital improvement program (CIP) to allow the City to improve the water system reliability and meet future demand. On March 12, 2013, the City’s Water Master Plan was approved by the City Council. The Sweeney Ridge Water Tank (Water Tank No. 7) replacement, including the replacement or rehabilitation of the existing 14-inch welded steel transmission pipeline between Tank 7 and Pump Station 2 were identified as a project in the 20-year CIP.

Sweeney Ridge Water Tank (Water Tank No. 7) is located at an elevation of 1,250-feet. Access to the tank site is generally along the Sneath Lane Trail which is a narrow, curvy paved road controlled by Golden Gate National Recreation Area (GGNRA). The existing pipeline is located within the property owned by the San Francisco Public Utilities Commission (SFPUC) and GGNRA. The tank site is surrounded by land also controlled by the GGNRA.

The Sweeney Ridge Water Tank (Water Tank No. 7) Replacement Project consists of replacing a 400,000 gallons) steel water tank and replacing or rehabilitating approximately 4,900 feet of 14-inch diameter steel water pipe between Pump Station 2 and Water Tank No. 7. The tank and piping facilities were constructed around 1955 and have been in service nearly 65 years. City staff has repaired several leaks in the pipeline that were located closer to Water Tank No. 7, where the steel pipe wall is thinner. The repairs were challenging considering the terrain and limited access. There are no existing corrosion protection facilities on the steel pipeline.

Completion of this project will provide residents with a more reliable water infrastructure, improve fire flow reliability, reduce pipeline leaks, and reduce maintenance repairs.

ITEM 6.d.
DISCUSSION:

The Sweeney Ridge Water Tank (Water Tank No. 7) Replacement project goals include replacing the existing steel tank that has reached the end of its service life with a new 400,000 gallons pre-stressed concrete tank, evaluating pipeline construction methods to minimize environmental impacts, replacing the pipeline or portions of the pipeline, and evaluating tank site improvements such as new fencing, video surveillance, backup power and new electrical panel.

In April 2019, the City issued a Request for Proposals for professional engineering design services for the Sweeney Ridge Water Tank (Water Tank No. 7) Replacement Project. Staff received three proposals and conducted an evaluation based on the following criteria:

- Proposed Work Plan and Approach
- Familiarity with policies and procedures related to the work effort.
- Quality and completeness
- Relevance and conciseness
- Qualification and experience of staff
- Manpower allocation
- Completion of similar projects and references

Based on the evaluation, staff is recommending West Yost Associates to provide the professional engineering design for the Sweeney Ridge Water Tank (Water Tank No. 7) Replacement Project. West Yost Associates is highly qualified, has demonstrated accurate project understanding, has substantial design experience on water tank replacement projects that include hillside tank design and construction, pre-stressed concrete tank design, seismic design for construction near a fault line, and has successfully completed similar design projects for San Jose Water, Alameda County Water District and Cities of San Bruno, Santa Cruz, Woodland, St. Helena, and Modesto. For the City of San Bruno, West Yost Associates completed the designs of the Glenview Water Tank (Water Tank No. 3) Replacement Project, San Mateo Avenue Water and Sewer Replacement Project, Trenton Sewer Replacement Project and Jenevein Avenue Sewer Replacement Project.

The scope of work for the Sweeney Ridge Water Tank (Water Tank No. 7) Replacement Project includes environmental evaluation, California Environmental Quality Act (CEQA) determination, and technical memorandum; corrosion, pipeline and tank design; potholing, seismic design, surveying, geotechnical investigation, demolition plan, detailed final design, bid documents, and construction support services. Optional services include the preparation of CEQA Environmental Impact Report (EIR) or CEQA Mitigated Negative Declaration (MND), and a plan to maintain continuous water distribution during construction. The initial environmental evaluation will help determine the appropriate CEQA documentation required for the project. If the project is not eligible for a Categorical Exemption under CEQA, either the MND or EIR will be prepared as an optional service.

For the project schedule, staff estimates the design will take approximately 12 months to complete and an additional twelve months for construction. If approved, it is anticipated that the design will be completed by Fall 2020.
FISCAL IMPACT:

The Sweeney Ridge Water Tank (Water Tank No. 7) Replacement Project is a project within the established FY 2019-20 Capital Improvement Program for the Water Tank Improvement and Replacement Program. The base cost of this agreement is $776,332 with optional services costs of $65,818. The total amount of this agreement is $842,150 and the estimated cost for staff management during the design phase is $50,000. The FY 2019-20 Capital Improvement Program budget includes a carryover budget of $498,340 for design.

During initial budget planning, the project costs to replace the tank were included; however, design and construction costs to replace the water pipeline were not included. During this past year, several repairs were performed by staff due to leaks in the upper portion of the pipe, and the replacement of the failing pipe is necessary to provide reliable service to the residents. To supplement the water pipeline replacement design cost, an additional appropriation of $393,810 is being requested from the Water Fund. The FY2019-20 adopted budget shows an adequate fund balance of $14,512,722 to cover the requested appropriation. The FY 2020-21 Capital Improvement Program budget includes a planned appropriation of $2,500,000 for construction in FY 2020-21.

Total estimated cost for the project:

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Design Consultant</td>
<td>$842,150</td>
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<tr>
<td>Estimated Staff Management for Design</td>
<td>$50,000</td>
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<td>Estimated Construction Contract</td>
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<td>Estimated Staff Management and Inspection for</td>
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Because the project will require addressing several key issues including environmental impacts, maintaining water service during construction, seismic design, tank overflow and site drainage, site constraints, project phasing, construction methods, easements and coordination with SFPUC and GGNRA, and potholing utilities that include PG&E gas and electric facilities, the design cost in relation to the estimated construction cost is much higher than a typical water project with less challenges.

ALTERNATIVES:

1. Direct further review of submitted proposals for selection of different firm from the current proposals.
2. Request staff to issue a new request for proposal.

RECOMMENDATION:
Adopt resolution authorizing the City Manager to execute an agreement with West Yost Associates for the design of the Sweeney Ridge Water Tank (Water Tank No. 7) Replacement Project in an amount not to exceed $842,150 and approve the appropriation of $393,810 from the Water Fund.

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Resolution
2. Project Site Map
3. CIP Budget Sheets
4. Sweeney Ridge Tank Photo

**DATE PREPARED:**

August 23, 2019
RESOLUTION NO. 2019 - ___

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT
WITH WEST YOST ASSOCIATES FOR THE DESIGN OF THE SWEENEY RIDGE
WATER TANK (WATER TANK NO. 7) REPLACEMENT PROJECT IN AN AMOUNT NOT
TO EXCEED $842,150 AND APPROVE THE APPROPRIATION OF $393,810 FROM THE
WATER FUND

WHEREAS, the City adopted a resolution to accept the updated Water System
Master Plan (Master Plan) on March 12, 2013; and

WHEREAS, the Master Plan created a 20-year capital improvement program (CIP)
to allow the City to improve the water system reliability and meet future demand; and

WHEREAS, the Sweeney Ridge Water Tank (Water Tank No. 7) replacement,
including the replacement or rehabilitation of the existing 14-inch welded steel, transmission
pipeline between Water Tank No. 7 and Pump Station 2 are identified as a project in the 20-
year CIP; and

WHEREAS, this project will provide residents with a more reliable water
infrastructure, improve fire flow reliability, reduce pipeline leaks, and reduce maintenance
repairs; and

WHEREAS, project goals include replacing the existing steel tank that has reached
the end of its 60 year service life with a new 400,000 gallons prestressed concrete tank,
evaluating pipeline construction methods to minimize environmental impacts, replacing the
pipeline, and evaluating tank site improvements such as new fencing, video surveillance,
backup power and new electrical panel; and

WHEREAS, the City issued a Request for Proposals for Sweeney Ridge Water Tank
(Water Tank No. 7) Replacement Project in April 2019 and received three proposals; and

WHEREAS, West Yost Associates was selected based on their understanding of the
project, familiarity with policies and procedures related to work efforts, quality and
completeness, relevance and confinement, qualifications and experience of staff, manpower
allocation to efficiently complete the project, and completion of similar projects and
references; and

WHEREAS, the cost of this agreement is $842,150 and the estimated cost for staff
management during the design phase is $50,000; and

WHEREAS, funding in the amount of $498,340 for this project is available within the
established FY 2019-20 Capital Improvement Program for the Water Tank Improvement
and Replacement Program; and

WHEREAS, an additional appropriation of $393,810 is being requested from the Water
Fund which has adequate available balance to cover the requested appropriation.

NOW, THEREFORE, BE IT RESOLVED that the San Bruno City Council hereby
authorizes the City Manager to execute an agreement with West Yost Associates for the
design of the Sweeney Ridge Water Tank (Water Tank No. 7) Replacement Project in an
amount not to exceed $842,150 and approves the appropriation of $393,810 from the Water Fund.

Dated: September 10, 2019

I, Melissa Thurman, 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 10th day of September 2019 by the following vote:

AYES: Councilmembers: ______________________________________

NOES: Councilmembers: ______________________________________

ABSENT: Councilmembers: ______________________________________

________________________________________________________
Melissa Thurman, CMC
City Clerk
# Water Tank Improvement and Replacement Program Summary

## Project Details

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**Project Description:** The City operates eight water tanks as part of its water distribution system. This program funds tank replacement, seismic retrofits, rehabilitation of tanks, and other significant modifications to the existing water tanks. The updated Water Master Plan prioritizes future tank modifications, rehabilitation, and replacement efforts based on the needs of the system.

Replacement of the Glenview Tank was completed in 2016-17. The current work effort is focused on completing the design of the Cunningham Tank. Project work planned for completion in the coming years includes rehabilitation/replacement of the Sweeney Ridge, Princeton, College, San Bruno, Lake Drive, and Pacific Heights Tanks.

See the project detail on the following page.
### Water Tank Improvement and Replacement Program - Project Detail

**PROJECT #:** 85100 | 11022  
**DEPARTMENT:** Public Works  

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Attachment 4 – Sweeny Ridge Tank Photo
DATE: September 10, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

SUBJECT: Adopt Resolution Authorizing the City Manager to Execute a Funding Agreement with the County of San Mateo for the Award of Measure K Funding in the Amount of $150,000 to Rehabilitate the Grandstand Facility at the Tom Lara Field located at San Bruno City Park and Appropriate $150,000 of Revenue and Expenditure into the Tom Lara Field Improvements Capital Project in Fiscal Year 2019-20

BACKGROUND:

The City of San Bruno was approached by the San Bruno Lions Foundation to rehabilitate the concession stand that is located within the Tom Lara Field Grandstand in San Bruno City Park. The interior improvements to the concession stand are anticipated to cost $60,000 and will be funded by a $25,000 grant from the San Bruno Community Foundation and $35,000 from the San Bruno Lions Club. The Lions Club will also provide volunteer labor for the concession stand project.

The City of San Bruno is excited to partner with the San Bruno Lions Club in their effort to improve a well-used and treasured community recreation facility. Unfortunately, an examination of the Grandstand Facility revealed that additional improvements to the exterior of the facility are needed to protect the investment in the concession stand and correct years of deferred maintenance. These improvements consist of (1) repairs to the roof and concrete sidewalls of the facility to eliminate water intrusion; (2) replacement of doors and windows, (3) installation of new bleachers, and (4) various minor and cosmetic to the facility repairs improve landscaping, signage, fencing and other areas. Staff for the City of San Bruno have prepared an estimated project budget for the improvements of $175,000, inclusive of a 15% project contingency.

This project arose outside of the City’s long-term capital planning process and funding to complete the Grandstand improvements is not available. However, the City Council approved $25,000 in the FY 2019-20 budget to support a portion of the needed repairs to prevent further deterioration of the facility.

Staff outreached to San Mateo County to request consideration of Measure K funding to bridge the funding gap for the necessary improvements. Measure K is the half-cent general sales tax initially approved by San Mateo County voters in November 2012 and extended in November 2016 for a total of thirty years. In May 2017, the San Mateo County Board of Supervisors approved a Measure K allocation plan which includes $7 million in one-time loans or grants each year divided equally among the five supervisorial districts for district-specific needs and projects. The City of San Bruno is located in two County Districts, District 1 (represented by Supervisor Dave Pine) and District 5 (represented by David Canepa). Staff submitted a written
request for funding to both Supervisor Pine and Supervisor Canepa for the rehabilitation work at the Grandstand Facility due to the facility being a well-used community facility. Each request was for $75,000 for a total funding request of $150,000.

DISCUSSION:

San Mateo County Board of Supervisors will consider final approval of San Bruno’s Measure K funding request at their upcoming Board meeting in September 2019. In order to complete the Board packet material, the City of San Bruno is required to complete a grant funding agreement. The agreement details the grant award of $150,000 and includes the following tasks of work to be completed for this project rehabilitation:

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<tr>
<th>Item</th>
<th>Cost Estimate</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>Repairs to roof and remaining structure, exterior structures</td>
<td>$75,000</td>
<td>Water sealing roof, concrete repairs to roof and remaining structure, window replacements, and repainting the entire Grandstand.</td>
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<td>New Aluminum Bleachers</td>
<td>$36,000</td>
<td>Materials and installation</td>
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<td>Replace Exterior Doors</td>
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<td>Minor and Cosmetic Grandstand Facility Repairs and Upgrades</td>
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<td>Fencing, handrails, landscaping, signage, and storage room improvements</td>
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<td>Alarm Installation</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$174,800</strong></td>
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</table>

*Does not include up to $60,000 in costs for concession stand interior improvements, which will be funded by the San Bruno Lions Club and San Bruno Community Foundation.

Should the San Mateo County Board of Supervisors approve this Measure K funding request, the City of San Bruno is required to request disbursement of funding in two separate installments, each in the amount of $75,000, with receipts/invoices detailing the expenditures of the tasks funded by the grant, including photographs and use of Measure K logo as approved by the County.

Once funds are secured for the project, staff will prepare a Request for Proposal (RFP) for the renovations. Should funds be secured in the next few months, it would be optimal to work on the facility between the end of 2019 baseball season, with a goal of completing the work prior to baseball season beginning again in 2020.

FISCAL IMPACT:

Staff estimates the expenditures for the rehabilitation to the Grandstand Facility at Lara Field in City Park to total $174,800. This estimate does not include interior estimates that are part of the San Bruno Lions Club project. Measure K funding should cover the full cost of the rehabilitation,
including a 15% contingency. No additional funding requests are expected at the time this staff report was prepared.

RECOMMENDATION:

Adopt resolution authorizing the City Manager to execute a funding agreement with the County of San Mateo for the award of Measure K funding in the amount of $150,000 to rehabilitate the Grandstand Facility at the Tom Lara Field located at San Bruno City Park and Appropriate $150,000 of revenue and expenditure into the Tom Lara Field Improvements Capital Project in Fiscal Year 2019-20

ALTERNATIVES:

1. Do not accept grant funding and direct staff to identify alternative funding sources to fund the project.

ATTACHMENTS:

1. Resolution
RESOLUTION NO. 2019-____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT WITH THE COUNTY OF SAN MATEO FOR THE AWARD OF MEASURE K FUNDING IN THE AMOUNT OF $150,000 TO REHABILITATE THE GRANDSTAND FACILITY AT THE TOM LARA FIELD LOCATED AT SAN BRUNO CITY PARK AND APPROPRIATE $150,000 OF REVENUE AND EXPENDITURE INTO THE TOM LARA FIELD IMPROVEMENTS CAPITAL PROJECT IN FISCAL YEAR 2019-20

WHEREAS, The City of San Bruno was approached by the San Bruno Lions Foundation to rehabilitate the concession stand that is located within the Tom Lara Field Grandstand Facility in San Bruno City Park; and

WHEREAS, upon examination of the Grandstand Facility revealed that additional improvements to the exterior of the facility are needed to protect the investment in the concession stand and correct years of deferred maintenance; and

WHEREAS, staff estimates the cost for the rehabilitation of the Grandstand Facility:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost Estimate</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Repairs to roof and remaining structure, exterior structures</td>
<td>$75,000</td>
<td>Water sealing roof, concrete repairs to roof and remaining structure, window replacements, and repainting the entire Grandstand.</td>
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<tr>
<td>2 New Aluminum Bleachers</td>
<td>$36,000</td>
<td>Materials and installation</td>
</tr>
<tr>
<td>3 Replace Exterior Doors</td>
<td>$21,500</td>
<td>Replacing existing wooden doors with new metal doors and frames</td>
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<tr>
<td>4 Minor and Cosmetic Grandstand Facility Repairs and Upgrades</td>
<td>$18,000</td>
<td>Fencing, handrails, landscaping, signage, and storage room improvements</td>
</tr>
<tr>
<td>5 Alarm Installation</td>
<td>$1,500</td>
<td>Installation of a new alarm at the facility</td>
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</tbody>
</table>

Sub-total $152,000

15% Contingency $22,800

Total $174,800

*Does not include up to $60,000 in costs for concession stand interior improvements, which will be funded by the San Bruno Lions Club and San Bruno Community Foundation.

WHEREAS, the City of San Bruno approved $25,000 in the FY 2019-20 budget to support this project; and

WHEREAS, Staff outreached to San Mateo County to request consideration of Measure K funding to bridge the funding gap for the necessary improvements; and

WHEREAS, Measure K is the half-cent general sales tax initially approved by San Mateo County voters in November 2012 and extended in November 2016 for a total of thirty years; and

WHEREAS, The City of San Bruno is located in two County Districts, District 1 (represented by Supervisor Dave Pine) and District 5 (represented by David Canepa). Staff
submitted a written request for funding to both Supervisor Pine and Supervisor Canepa for the rehabilitation work at the Grandstand Facility for a total funding request of $150,000; and

WHEREAS, San Mateo County Board of Supervisor requires a signed grant agreement before considering approval of grant funding.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby authorizes the City Manager to execute a funding agreement with the County of San Mateo for the award of Measure K funding in the amount of $150,000 to rehabilitate the Grandstand Facility at the Tom Lara Field located at San Bruno City Park and appropriate $150,000 of revenue and expenditure into the Tom Lara Field Improvements capital project in Fiscal Year 2019-20.

Dated: September 10, 2019

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I, Melissa Thurman, 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 10th day of September 2019 by the following vote:

AYES: Councilmembers: ______________________________________
NOES: Councilmembers: ______________________________________
ABSENT: Councilmembers: ____________________________________

Melissa Thurman, CMC
City Clerk