



CITY of BRISBANE

City Council Meeting Agenda

Thursday, February 15, 2024 at 7:30 PM • Hybrid Meeting 50 Park Place, Brisbane, CA

Amended 02.12.24

The public may observe/participate in City Council meetings using remote public comment options or attending in person. City Council members shall attend in person unless remote participation is permitted by law. The City Council may take action on any item listed in the agenda.

TO ADDRESS THE COUNCIL

IN PERSON

Location: 50 Park Place, Brisbane, CA 94005, Community Meeting Room

Masking is not required but according to the California Department of Public Health guidelines, people at higher risk for severe illness should consider masking. To help maintain public health and safety, we respectfully request that people not attend in-person if they are experiencing symptoms associated with COVID-19 or are otherwise ill and likely contagious (e.g., respiratory illnesses).

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Email: ipadilla@brisbaneca.org or **Text:** (628) 219-2922

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Note: Callers dial *9 to "raise hand" and dial *6 to mute/unmute.

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WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED

Any writings that are received after the agenda has been posted but before 4pm of the day of the meeting will be available for public inspection at the front lobby in City Hall and on the internet (brisbaneca.org/meetings). Any writings that are received after 4pm of the day of the meeting will be available on the internet at the start of the meeting (brisbaneca.org/meetings), at which time the materials will be distributed to the Council.

7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

ROLL CALL

- A. Consider any request of a City Councilmember to attend the meeting remotely under the “Emergency Circumstances” of AB 2449

ADOPTION OF AGENDA

AWARDS AND PRESENTATIONS

- B. Peninsula Clean Energy Update from CEO Shawn Marshall
- C. Rebuilding Together Peninsula Presentation

ORAL COMMUNICATIONS NO. 1

CONSENT CALENDAR

- D. Approve Minutes of City Council Meeting of January 18, 2024
- E. Approve Minutes of City Council Closed Session Meeting of January 30, 2024
- F. Acknowledge that North County Fire Authority Completed Required Annual Mandated Fire and Life Safety Inspections within the City of Brisbane for 2023

OLD BUSINESS

- G. Brisbane Rental Assistance Program Eligibility Requirements

(It is being recommended to revise the eligibility requirements for Brisbane’s Rental Assistance Program to reach more people experiencing financial hardship.)

NEW BUSINESS

- H. Authorize City Manager to Sign Funding Agreement for Construction Phase of the Smart Corridor Project

(It is being recommended to authorize the City Manager to sign a funding agreement between the City/County Association of Governments of San Mateo County and the City of Brisbane for installation of an interconnected traffic signal system as part of the smart corridor extension project. The city's only financial contribution to this project is engineering and field inspection staffing to oversee the work in our jurisdiction.)

- I. Receive Short Term Rental Ordinance Implementation Update

(It is being recommended that the City Council direct staff to explore obtaining an agreement with Airbnb and other hosting platforms where practical to collect and remit Transient Occupancy Tax automatically to the City.)

- J. Consider Potential Sale of City Parcel APN 005-300-999 (formerly, S.P.R.R. SBE 872-41-23R) and Consider Approval of Resolution Declaring that City Parcel is Surplus Land

(It is being recommended that if Council elects to continue with the potential sale of APN 005-300-999, Council consider adoption of a Resolution declaring that the property owned by the City as surplus land. These actions are not subject to further environmental review as they involve general policy-making activities of the City Council and hence they are not projects under the California Environmental Quality Act (CEQA). CEQA Guidelines, Section 15378 (b) (2). Or if Council elects not to proceed with selling the property, Councilmembers consider providing direction to staff deemed necessary and appropriate.)

STAFF REPORTS

- K. City Manager's Report on Upcoming Activities

MAYOR/COUNCIL MATTERS

- L. Countywide Assignments and Subcommittee Reports
 - i. Consider Endorsing a Letter to the California Insurance Commissioner

- M. Written Communications

ORAL COMMUNICATIONS NO. 2

ADJOURNMENT

File Attachments for Item:

D. Approve Minutes of City Council Meeting of January 18, 2024



BRISBANE CITY COUNCIL

ACTION MINUTES

**CITY COUNCIL MEETING AGENDA
THURSDAY, JANUARY 18, 2024**

HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005

7:30 P.M. CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Pro Tem Cunningham called the meeting to order at 7:31 P.M. and led the Pledge of Allegiance.

ROLL CALL

**A. Consider any request of a City Councilmember to attend the meeting remotely under the
“Emergency Circumstances” of AB 2449**

No requests were received for Roll Call Item A.

Mayor O’Connell was teleconferencing from 52 Josefa Ortiz de Dominguez Colibri Condos #104 Bucerias, Nayarit, Mexico.

Councilmembers present: Councilmembers Cunningham, Davis, Lentz, Mackin, and Mayor O’Connell

Councilmembers absent: None

Staff Present: Interim City Manager Holstine, City Clerk Padilla, City Attorney McMorrow, Finance Director Yuen, Sustainability Manager Etherton, Parks and Recreation Director Leek, Deputy Fire Chief Abelson, Police Commander Garcia and Management Analyst Ibarra

REPORT OUT OF CLOSED SESSION

City Attorney McMorrow reported that the City Council made no decision and staff was given direction on the Real Property Negotiation Item.

ADOPTION OF AGENDA

Councilmember Davis made a motion, seconded by Councilmember Lentz, to amend the agenda and adjourn in memory of Debbie Canfield. The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, Mackin, and Mayor O'Connell

Noes: None

Absent: None

Abstain: None

ORAL COMMUNICATIONS NO. 1

Nancy Lacsamana referenced a City Council correspondence from 41 residents. The letter was written asking to include in a City Council meeting agenda three topics concerning Election processes. The topics were: 1. Term limits for elected officials 2. District elections so that selection of council members will represent all areas 3. Election citywide of Mayor

Paul Bouscal agreed with the Nancy Lacsamana's request.

Michael Barnes commented that the City Council told a lie about fee schedules and that is an example of the Council being ethically challenged.

Erin Becker, chair of the Open Space Ecology Committee, emphasized that the Dark Skies Ordinance will benefit the citizens and the natural environment.

After some questions with staff, Council will discuss the creation of a City Council Subcommittee to address the election issues under Mayor and Council Matters.

CONSENT CALENDAR

- B. Approve Minutes of City Council Special Meeting of December 14, 2023**
- C. Approve Minutes of City Council Closed Session Meeting of December 14, 2023**
- D. Accept Investment Report as of November 2023**
- E. Introduction of an Ordinance, Waiving First Reading, Repealing and Replacing Chapter 6.04 of the Brisbane Municipal Code Concerning Animal Control Regulations to Clarify Existing Definitions, Enact Additional Requirements, and Revise Service Fees**

(Introduction of the Ordinance is not subject to environmental review because the Ordinance is general policy and procedure making and therefore it is not a project under the California Environmental Quality Act. Section 15378 (b) of the CEQA Guidelines)

- F. Consider Adoption of the Dark Sky Ordinance, waiving second reading, adding Chapter 15.88 Outdoor Lighting Standards to the Brisbane Municipal Code**

(This Ordinance is exempt from further environmental review under the California Environmental Quality Act (CEQA) because it is not a project (CEQA Guidelines, §15378 (b) (2)). As proposed, the ordinance will result in required changes to streetlights and other public facilities within fifteen (15) years of the effective date, with an estimated cost upwards of \$1M. Additional implementation costs may include equipment and training for police officers. Staff proposes to create a program to systematically make updates over time.)

Councilmember Mackin made a motion, seconded by Councilmember Lentz, to approve Consent Calendar Items B-F. The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, Mackin, and Mayor O'Connell

Noes: None

Absent: None

Abstain: None

NEW BUSINESS

G. Capital Improvement Plan Update for Fiscal Year 2023/2024

Interim City Manager Holstine reported that this evening the Council will not determine the funding sources for the priority projects in the Capital Improvement Plan. Staff will bring back the Capital Improvement Plan during the Midyear Budget to review potential funding sources.

He added that there are two projects which can be funded through the Enterprise fund:

- DPW-94 Wastewater Infiltration and Inflow Study (high priority)
- DPW-95 Guadalupe Canyon Parkway Flushing Unit (high priority)

Finance Director Yuen provided an update on the Capital Improvement Plan and reported on completed and new Capital Improvement Plan requests since January 2022. She added that the fiscal impact at this time for the priority projects total \$3,916,046, for which \$2,850,200 is being requested from the General Fund. She added that final fiscal impact to the City will be determined when the projects are approved and what funding source is used.

After Council questions, Michael Barnes commented that he heard from staff that the EIR Crocker Trail Master Plan was going to be funded out of the Capital Improvement Plan. He also wanted to note for the record where the source of the funding for the Community Pool Heating system.

Paul Bouscal commented that he is concerned about the dangerous trees in Brisbane and the City's liability on this issue. Capital Improvement is about public concerns and should include mitigating big trees.

Diana S. commented that it seems like there is a misunderstanding about the total cost versus the City's cost for the community pool heat pump system.

After Council discussion, Council directed staff to return at mid-year to review potential funding sources for Council priority projects. Council also recommended removing completed projects from CIP List after five years from completion.

Councilmember Davis made a motion, seconded by Councilmember Lentz, to approve DPW-94 and DPW-95 Projects to be funded using the Enterprise Funds. The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, Mackin, and Mayor O'Connell

Noes: None

Absent: None

Abstain: None

STAFF REPORTS

H. City Manager's Report on Upcoming Activities

i. Development Projects Status report – Quarter 1 of 2024

Interim City Manager Holstine reported on the latest news about the Community Park Resurfacing and provided a status update on the Development Projects.

MAYOR/COUNCIL MATTERS

I. Countywide Assignments and Subcommittee Reports

i. Congressman Mullin's Coffee with City Council 1/25/24 9am-10am at San Mateo County Office of Education

Council members reported on their Countywide Assignments and Subcommittee activities. After some questions with staff, Interim City Manager Holstine was directed to schedule for an upcoming City Council Meeting the creation of a City Council Subcommittee to address the election issues.

Councilmembers Cunningham and Lentz will attend the event Congressman Mullin's Coffee with City Council on January 25, 2024.

J. Written Communications

Written Correspondence was received by the City Council from:

- 01-08-2024 Bumanglag on Liveaboard Request
- 01-13-2024 Detert on Water Aerobics
- 01-13-2024 Jones on Water Aerobics
- 01-14-2024 Frank on Water Aerobics
- 01-14-2024 Trabling on Water Aerobics
- 01-15-2024 Aloft on Election Policies
- 01-15-2024 Kendall on Water Aerobics
- 01-15-2024 Linn on Water Aerobics
- 01-15-2024 Martin on Water Aerobics
- 01-15-2024 Oseto on IDEA Committee Resignation
- 01-16-2024 Marder on Water Aerobics
- 01-17-2024 Cochran on Water Aerobics
- 01-17-2024 Walker on Council Term Limits
- 01-18-2024 Lacsamana on term limits
- 12-21-2023 McGowen on Trove on Recommerce Inc. WARN Notice
- 01-16-2024 Bildhaue on Water Aerobics
- 01-13-2024 Deaton on Water Aerobics

ORAL COMMUNICATIONS NO. 2

Michele Salmon thanked the Council for passing the Dark Skies Ordinance and shared her concern about lacking stability in the landfill development at the Sierra Point Marina, needing full public disclosure for the Quarry Development, and

restoring the stars in the Community Park.

ADJOURNMENT

Mayor Pro Tem Cunningham adjourned the meeting in memory of Debbie Canfield at 9:36 P.M.

Ingrid Padilla
City Clerk

DRAFT

File Attachments for Item:

E. Approve Minutes of City Council Closed Session Meeting of January 30, 2024



BRISBANE CITY COUNCIL**ACTION MINUTES**

BRISBANE CITY COUNCIL CLOSED SESSION MEETING**THURSDAY, JANUARY 30, 2024***HYBRID MEETING, 50 PARK PLACE LARGE CONFERENCE ROOM,
BRISBANE, CA***6:00 P.M. CLOSED SESSION****A. Approval of the Closed Session Agenda**

B. Public Comment. Members of the public may address the Councilmembers on any item on the closed session agenda

C. Adjournment into Closed Session**D. CONFERENCE WITH LEGAL COUNSEL—PENDING LITIGATION****Government Code, Section 54956.9 (d) (1). Number of Cases: One**

- **City of Brisbane v. CA High-Speed Rail Authority (Superior Court of Sacramento County, Case No. 80004010)**

Mayor O'Connell called the meeting to order at 6:09 P.M. Councilmember Lentz made a motion, seconded by Councilmember Cunningham, to approve the Closed Session Meeting Agenda as it stands. The motion passed unanimously by all present.

Ayes: Councilmembers Cunningham, Davis, Lentz, Mackin, and Mayor O'Connell

Noes: None

Absent: None

Abstain: None

No members of the public were in attendance. Mayor O'Connell adjourned the meeting into Closed Session.

REPORT OUT OF CLOSED SESSION

City Attorney McMorro reported that staff was given direction on the Pending Litigation Item.

ADJOURNMENT

The meeting was adjourned at 7:39 P.M.

Ingrid Padilla, City Clerk

File Attachments for Item:

F. Acknowledge that North County Fire Authority Completed Required Annual Mandated Fire and Life Safety Inspections within the City of Brisbane for 2023



CITY COUNCIL AGENDA REPORT

Meeting Date: 02/15/2023

From: Assistant Fire Marshal Chief Craig Wittner

Subject: 2023 Annual Mandated Fire and Life Safety Inspections

Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety.

Purpose

To ensure the health and safety of the public through a mandated fire and life safety program. California Health & Safety Code Section 13146.2 requires all fire departments including the North County Fire Authority to report annually its compliance with Sections 13146.2 and 13146.3.

Recommendation

It is requested that the City Council acknowledge that North County Fire Authority has completed required annual mandated fire and life safety inspections within the City of Brisbane for 2023.

Background

To ensure the health and safety of the public through a mandated fire and like safety program, California Health and Safety Code 13146.2 requires all fire departments including North County Fire Authority to perform and report annually with sections 13146.2 and 13146.3 of the California Health and Safety Code, inspections in every occupancy used as a public or private school, hotel, motel, lodging house, apartment house, and certain residential care facilities.

Requesting the City Council of the City of Brisbane acknowledge fulfillment of the requirements of the in compliance with Health and Safety Code Sections 13146.2 and 13146.3, the North County Fire Authority reports the following relating to those inspections:

A. EDUCATIONAL GROUP E OCCUPANCIES: Total 2

Educational Group E occupancies are generally those public and private schools, used by more than six persons at any one time for educational

purposes through the 12th grade. During calendar year 2023, the North County Fire Authority inspected 2 Group E occupancies, buildings, structures and/or facilities. This is a compliance rate of 100% for this reporting period; and

B. RESIDENTIAL GROUP R OCCUPANCIES: Total 50

Residential Group R occupancies are generally those occupancies containing sleeping units, and include hotels, motels, apartments (three units or more), etc. as well as other residential occupancies, including those designated as residential care facilities. These residential care facilities have several different sub-classifications, and they may contain residents or clients that have a range of needs, including those related to custodial care, mobility impairments, cognitive disabilities, etc. The residents may also be non-ambulatory or bedridden. During calendar year 2023, the North County Fire Authority inspected all 50 Group R occupancies, buildings, structures and/or facilities. This is a compliance rate of 100% for this reporting period.

Fiscal Impact

None

Measure of Success

The health and safety of the public through a mandated fire and life safety program is a top priority. By ensuring that these buildings meet the standards set forth by state law, we greatly reduce the risks for the loss of life and property.

It should be noted that in addition to the 52 mandated occupancy inspections, North County Fire Authority conducts inspections of the remaining 349 business, institutional, industrial, mercantile, factory and storage occupancies in the City of Brisbane for a total of 401 inspections conducted annually.

Craig Wittner

Craig Wittner, Assistant Fire Marshal

Clay Holstine

Clay Holstine, Interim City Manager

File Attachments for Item:

G. Brisbane Rental Assistance Program Eligibility Requirements

(It is being recommended to revise the eligibility requirements for Brisbane's Rental Assistance Program to reach more people experiencing financial hardship.)



CITY COUNCIL MEETING AGENDA REPORT

Meeting Date: February 15, 2024

From: Caroline Cheung, Assistant to the City Manager

Subject: Brisbane Rental Assistance Program Eligibility Requirements

Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Economic Development - Brisbane will work with the businesses and residents to provide for economic vitality/diversity

Purpose

To support lower-income Brisbane residents who are facing financial hardships.

Recommendation

Revise the eligibility requirements for Brisbane's Rental Assistance Program to reach more people (ideally to anyone in Brisbane experiencing financial hardship impacting the person's ability to stay housed).

Background

At the December 10, 2020 City Council Meeting, staff was directed to set up a rental assistance fund in the amount of \$100,000 from the City's Low-Moderate Housing Fund, to be used to assist Brisbane residents who have missed rental payments due to COVID-19-related issues. The program has been administered by Samaritan House, with Brisbane's Core Service Agency, the YMCA Community Resource Center, processing the applications. The current eligibility criteria for the program are:

Eligibility

- Live in Brisbane
- Income at 80% or lower of Annual Median Income based on the previous year's tax return (Family of 4 = \$175,000 as determined by State of California Department of Housing and Community Development – effective June 6, 2023)
- Not related to Landlord
- Have a signed rental agreement
- Was current with rent as of March 16, 2020 (no pending evictions)
- Have accumulated past-due rent
- Not receiving other COVID-19 related rental assistance
- Savings not available to cover past-due rent
- Show impact of COVID-19 on Income
 - Notification of job loss/termination during pandemic

- Notification of furlough during pandemic
- Notification or employer-signed form confirming reduction in hours
- Application for or approval of Unemployment Insurance benefits
- Notarized affidavit signed that includes the name of the household member who is self-employed, the name and nature of the business, and narrative confirming economic impact on self-employment during pandemic

Discussion

Since the inception of Brisbane's Rental Assistance Program in late 2020, a dozen households have been assisted by the program. After last year's winter storms, where a Brisbane resident's home was red-tagged when a mudslide ran through her living room, the City Manager's Office reached out to the YMCA Community Resource Center to expand the use of the funds for emergency/disaster storm-related hardships. That resident has since received one year's worth of rent through the program (\$13,250). To date, \$49,895.66 remains in the fund to be distributed.

The Director of the YMCA Community Resource Center, Elida Sobalvarro, reached out to the City Manager's Office to say that they have more families that are a bit removed from the direct financial impact of Covid itself, but are still recovering from the financial impacts of Covid and/or are dealing with the general impacts of Covid on the economy and regular financial hardships. She inquired whether the section referring to the impact of COVID-19 on the resident's income could be removed as part of the eligibility requirements so that the program would be able to be utilized by more residents (ideally anyone experiencing a financial hardship that is impacting the person's ability to stay housed).

On January 29th, the Economic Development Subcommittee met to review this request and were in agreement to revise the program's eligibility requirements; the Subcommittee also recommended staff bring the revised program to the full City Council before the eligibility requirements were revised and the remaining funds in the Brisbane Rental Assistance Program distributed fairly.

As revised the program's eligibility would be:

- Live in Brisbane
- Income at 80% or lower of Annual Median Income based on the previous year's tax return (Family of 4 = \$175,000 as determined by State of California Department of Housing and Community Development – effective June 6, 2023)
- Not related to Landlord
- Have a signed rental agreement
- Savings not available to cover past-due rent

Fiscal Impact

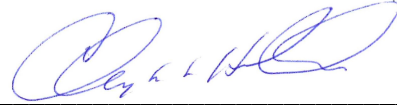
None, as the \$100,000 from the Low-Moderate Housing Fund and \$12,000 from the General Fund for the cost of administering the program through Samaritan House have already been allocated. As mentioned, \$49,857 remain available.

Measure of Success

Additional Brisbane households would be helped through the City's Rental Assistance Program.



Caroline Cheung, Asst. to the City Manager



Clay Holstine, Interim City Manager

File Attachments for Item:

H. Authorize City Manager to Sign Funding Agreement for Construction Phase of the Smart Corridor Project

(It is being recommended to authorize the City Manager to sign a funding agreement between the City/County Association of Governments of San Mateo County and the City of Brisbane for installation of an interconnected traffic signal system as part of the smart corridor extension project. The city's only financial contribution to this project is engineering and field inspection staffing to oversee the work in our jurisdiction.)



CITY COUNCIL AGENDA REPORT

Meeting Date: February 15, 2024
From: Director of Public Works/City Engineer
Subject: Authorize City Manager to Sign Funding Agreement for Construction Phase of the Smart Corridor Project

Community Goal/Result - Safe Community

Purpose

The purpose of the recommended action is to grant the City Manager authority to execute a funding agreement with the City/County Association of Governments of San Mateo County (C/CAG) to pay for the construction and construction management costs for installation of an interconnected traffic signal system.

Recommendation

1. Receive presentation by C/CAG.
2. Authorize the City Manager to sign a funding agreement between the City/County Association of Governments of San Mateo County and the City of Brisbane for installation of an interconnected traffic signal system as part of the smart corridor extension project.

A condition precedent to the City Manager executing these agreements is the City Attorney's review and approval of same.

Background

C/CAG has been leading the effort on a County Smart Corridor project designed to improve the mobility of local arterial streets by installing Intelligent Transportation System (ITS) equipment, such as an interconnected traffic signal system, close circuit television (CCTV) cameras, dynamic message signs, and vehicle detection system, on predefined designated local streets and state routes. The ITS infrastructure will provide local cities and Caltrans with day-to-day traffic management capabilities in addressing recurring and non-recurring traffic congestion.

Council initially considered entering into two separate funding agreements for the installation of fiber optic (FO) lines to provide the telecommunication conduit backbone for the described ITS components at its June 29, 2023 regularly scheduled meeting. Based on concerns expressed over the placement, size and operation of Changeable Message Signs (CMS) proposed for placement at a later time, this matter was brought back to Council on September 7, 2023 (see attached staff report). After receiving a presentation from C/CAG on the ITS project components, Council approved authorizing the City Manager to enter into the funding

agreements for installation of the FO lines and conduit. That construction work is now underway.

Discussion

The item before the Council this evening is the funding agreement for the deployment of the interconnected traffic signal system, which includes closed circuit video cameras, trailblazer/arterial dynamic message signs, and vehicle detection systems

Similar to the previously approved funding agreement to pay for the installation of the FO and conduit, this agreement allows C/CAG to transfer funds to the City so that the city can pay for the construction and construction management of the system described above.

The FO/conduit funding agreement included this language, “The parties will coordinate the installation of signs, their sizes, and all operating features.”

Based on that language and on Council’s direct concerns over the CMS components, C/CAG has agreed to review the construction phase plans with Council to obtain the city’s consent for their installation.

Staff and Legal Counsel have reviewed and are continuing to fine tune language in the agreement that is the subject of this staff report. C/CAG asked their Board of Directors to authorize their Executive Director to execute the funding agreement at the 2/8/24 C/CAG meeting (see their attached draft staff report).

Fiscal Impact

The funding agreement with C/CAG will provide for 100% of the cost of construction and construction management for this phase of work. The cost estimate for this effort is \$3,624,068. The city’s only contribution to this project is engineering and field inspection staffing to oversee the work in our jurisdiction.

Measure of Success

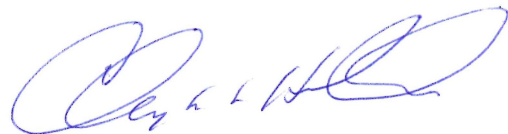
A fully functional ITS infrastructure that provides local cities and Caltrans with day-to-day traffic management capabilities to manage recurring and non-recurring traffic congestion.

Attachments

1. City of Brisbane 9/7/23 Council staff report
2. C/CAG 2/8/24 draft Board of Directors report

R.L. Breault

Randy Breault, Public Works Director



Clay Holstine, City Manager



CITY COUNCIL AGENDA REPORT

Meeting Date: September 7, 2023
From: Director of Public Works/City Engineer
Subject: Consider Language for Funding Agreement with C/CAG

Community Goal/Result

Safe Community

Purpose

To consider alternative language proposed by the City/County Association of Governments of San Mateo County (C/CAG) to be included in a funding agreement between C/CAG and the City for the initial installation of conduit and fiber optic lines in Bayshore Boulevard

Recommendation

Receive presentation by C/CAG staff and consider authorizing the City Manager to sign a funding agreement.

Background

At its 6/29/23 regularly scheduled meeting, Council received a presentation from staff requesting authority for the City Manager to sign a funding agreement with C/CAG for installation of conduits and fiber optics, and to also sign a bill of sale agreement with a contractor for the installation of these items.

As noted by staff, the intent of the funding agreement was for C/CAG to pay the full installed cost of the conduit and fiber install, with the expectation of future installation of components of an intelligent transportation system (ITS) to guide overflow traffic winding through Brisbane during freeway closures. The Smart Corridor Project would include wayfinding changeable message signs (CMS) located at critical decision points for drivers.

Council expressed significant concerns over the placement and operating scenarios of the CMS and directed the City Attorney to place language in the funding agreement that clarified the city had no duty to allow the future installation of the CMS.

Discussion

To comply with City Council direction, the City Attorney proposed this language to C/CAG:

4. → **Trailblazer/arterial Dynamic Message Signs.** The installation of the fiber in the conduits will facilitate the installation of trailblazer/arterial dynamic message signs (“Message Signs” within the City limits of Brisbane. Prior to the installation of any Message Signs, City shall in its sole discretion determine if such Message Signs are to be installed within the City limits and, if so, their location, size, and all operating features. Nothing in this Agreement shall require the City to allow the Message Signs to be installed within the City limits.¶

As the eventual installation of CMS is integral to the Smart Corridor project, and to the purpose of the funding source from which the grant money for the installation of conduit and fiber is obtained, C/CAG staff proposed the following language:

4. → **Trailblazer/arterial Dynamic Message Signs.** The installation of the fiber in the conduits will facilitate the installation of trailblazer/arterial dynamic message signs (“Message Signs” within the City limits of Brisbane. The parties acknowledge the primary purposes of the message signs are to display information about traffic conditions, assist with incident management, and broadcast safety and emergency messages. The signs are an integral component of the Project. The parties will coordinate regarding the installation of signs, their locations, sizes, and all operating features.¶

C/CAG will present to Council the current plan for future locations of CMS, the available sizes of CMS that might be installed as part of the ITS, and their understanding of the additional benefits to the City of Brisbane and its residents as a result of obtaining filled fiber optic conduit the entire length of Bayshore at no cost to the City.

Fiscal Impact

Under the Funding Agreement between the City and C/CAG concerning the Smart Corridor Extension Project, C/CAG is the source of the funds (through Local Measure M funds) for the purchase of conduit and fiber and the installation of fiber in the conduit, with C/CAG reimbursing the City as the City receives and C/CAG approves invoices from the contractor (Intermountain Infrastructure Group). In the proposed Funding Agreement Council reviewed on 6/29/23, unless the Funding Agreement was amended to provide a larger number, C/CAG’s funding commitment to the City was capped. Council was concerned that because contractors on these types of projects may encounter differing site conditions, supply chain issues, or construction delays—all of which could lead to claims for additional money—the City was at risk of being solely responsible for such costs over the capped amount. Accordingly, Council directed staff to propose revisions to that portion of the Agreement to eliminate or reduce that risk to the City.

Just as the City does not want to be solely responsible for costs above the capped amount, C/CAG understandably does not want to agree that, regardless of the reasons, it will be responsible for costs above the capped amount. Staff proposes to resolve this conundrum as follows.

Neither party will authorize the contractor to purchase and install fiber in the conduit the cost of which exceeds the capped amount (\$1,156,949) unless a funding source for that purpose is secured and the Funding Agreement amended. If either party does provide such authorization without the other party's agreement, then if a funding source cannot be secured, the authorizing party will be responsible for the additional costs.

If the contractor without authorization purchases and/or installs fiber in the conduit the cost of which exceeds the capped amount, files a claim for the additional cost that the parties contest, and prevails through arbitration or other legal proceedings, C/CAG will use its best efforts to secure additional funding to satisfy the claim. If those efforts are not successful, however, the City and C/CAG will meet and confer in good faith to determine how to allocate the additional costs between them.

Assuming the City itself has not authorized the contractor to incur additional costs without an additional funding source identified, these revisions do not eliminate entirely the possibility that the City may have some financial responsibility for costs above the capped amount but substantially reduce the risk. Moreover, the revisions make clear that if additional funding is needed to satisfy a claim, C/CAG will use its best efforts to secure such funding.

The complete revised language regarding funding and payment is attached to this report. Staff is satisfied that these revisions sufficiently address Council's concerns about this portion of the Funding Agreement and recommend that the attached language be incorporated into the Agreement. C/CAG has approved these revisions and joins in the recommendation.

Measure of Success - Unchanged from 6/29/23 report.

Attachments

1. C/CAG Provision of Funding and Method of Payment language
2. 6/29/23 staff report to Brisbane City Council

R.L. Breault

Randy Breault, Public Works Director

Clay Holstine, City Manager

C/CAG Provision of Funding and Method of Payment. C/CAG shall reimburse the City for the purchase of conduits and for the installation of fiber in those conduits. At the time of the execution of this Agreement, the purchase price of the conduits and the installation of fiber in those conduits is \$1,156,949. The parties recognize that due to a variety of factors including, but not limited to, differing site conditions, supply chain issues and construction delays, the cost to purchase and/or install fiber in the conduits may exceed \$1,156,949. Except as provided in this section, in no event shall C/CAG's total funding commitment under this Agreement exceed \$1,156,949 without an amendment to this Agreement as provided in Section 13.

The City shall submit an invoice reflecting the purchase price of the conduits, accompanied by documentation showing the boring and trenching footages, as well as the locations of the conduits. Upon receipt and approval of the invoices and accompanying documentation, which approval shall not be unreasonably withheld, C/CAG shall pay the amount claimed under invoice, up to the maximum amount available under this Agreement, within 30 days of C/CAG's approval of the invoice. Neither City nor C/CAG shall authorize Intermountain to purchase conduit or install fiber in the conduits, the cost of which exceeds \$1,156,949, without first entering into an amendment to this Agreement that includes additional funding. If either party becomes aware that Intermountain intends to make, or has made, a request to purchase conduit and/or install fiber in the conduits, the cost of which will exceed \$1,156,949, that party will notify the other party within five business days. If either party becomes aware that without both parties' authorization Intermountain has purchased conduit and/or installed fiber in the conduits, the cost of which exceeds \$1,156,949, that party will notify the other party within five business days. If either party, without the other party's authorization, has authorized Intermountain to purchase conduit and/or install fiber in the conduits, the cost of which exceeds \$1,156,949, that authorizing party shall be responsible for such costs. If Intermountain's costs to purchase conduit and/or install fiber in the conduits exceed \$1,156,949, and the parties have not entered into an amendment to this Agreement that includes additional funding but, through arbitration or other legal proceedings, Intermountain's claim for costs in excess of \$1,156,949 is upheld, C/CAG shall use its best efforts to secure additional funding for such costs. If C/CAG is not successful in securing such additional funding, City and C/CAG shall meet and confer in good faith to determine how to allocate such costs between them.



CITY COUNCIL AGENDA REPORT

Meeting Date: June 29, 2023

From: Director of Public Works/City Engineer

Subject: Authorize City Manager to Sign Agreements for Funding and for Purchase and Installation of Fiber Optic Facilities

Community Goal/Result - Safe Community

Purpose

The purpose of the recommended action is to grant the City Manager authority to execute a funding agreement for C/CAG to pay for fiber optic facilities, and a purchase and installation agreement for fiber optic facilities.

Recommendation

Authorize the City Manager to sign two agreements on the city's behalf:

1. A funding agreement between the City/County Association of Governments of San Mateo County and the City of Brisbane for conduit purchase and fiber installation for the smart corridor extension project.
2. A bill of sale agreement between Intermountain Infrastructure Group and the City of Brisbane for purchase and installation of fiber optic conduits and dark fiber.

A condition precedent to the City Manager executing these agreements is the City Attorney's review and approval of same.

Background

The City/County Association of Governments of San Mateo County has been leading the effort on a County Smart Corridor project that is designed to improve the mobility of local arterial streets by installing Intelligent Transportation System (ITS) equipment, such as an interconnected traffic signal system, close circuit television (CCTV) cameras, dynamic message signs, and vehicle detection system, on predefined designated local streets and state routes. The ITS infrastructure will provide local cities and Caltrans with day-to-day traffic management capabilities in addressing recurring and non-recurring traffic congestion.

A key aspect of this project is the installation of fiber optic (FO) lines to provide the telecommunication conduit backbone for the described ITS components. The Smart Corridor project is mostly complete in south and central San Mateo County, and the project that started in South San Francisco in 2021 is also complete.

To complete the northern portion of San Mateo County ITS, C/CAG engaged an engineering firm to design the fiber optic conduit and the ITS components for Daly City, Colma, and Brisbane.

Somewhat in parallel with C/CAG's efforts on the Smart Corridor, Intermountain Infrastructure Group (IIG) has been processing an encroachment permit application with Brisbane to run a new bank of fiber optic conduits in Bayshore Boulevard from the northern city limits to the southern city limits.

C/CAG recognized the advantage in "piggybacking" off IIG's proposed project, and IIG willingly entered into 3-party negotiations as part of an effort to minimize the number of excavations in a single street for telecommunications facilities. While Brisbane does not have a "dig once" policy in effect, the mutually agreed upon negotiations generally follow the practices recommended by the Federal Highway Administration (FHWA).

Assuming these negotiations, the final agreements, and construction all come to fruition, at the end of this effort C/CAG and Brisbane will each own a fiber optic conduit with "dark fiber" in the new bank of FO conduits proposed to be installed in Bayshore by IIG.

Discussion

Staff and the City Attorney have reviewed and generally approved plans, specifications and the two agreements that are the subject of this staff report. The one issue that has delayed finalizing these agreements has been the tenuous nature of the public funds from which C/CAG hoped to fund its portion of the project. In early June, C/CAG was able to convince the California Transportation Commission to approve its requested allocation.

At this point in time, staff believes that final funding approval from C/CAG and final approval of IIG's plans will occur during Council's summer recess. IIG's permit from the City is anticipated to be issued in the next 30-60 days; if Brisbane and C/CAG are to have their FO conduit and dark fiber installed by IIG, these two agreements must be finalized prior to August.

Fiscal Impact

The funding agreement with C/CAG will provide that C/CAG pays for 100% of the cost of installation, including any amendments found necessary during construction. The current cost estimate for the install of C/CAG's and Brisbane's "filled" FO conduit is \$831,924.

The city's only contribution to this project is engineering and field inspection staffing to oversee the work in our jurisdiction.

Measure of Success

A backbone FO system installed at no cost to the city in Bayshore Boulevard and ready for connection to ITS network components.



Randy Breault, Public Works Director

Clay Holstine, City Manager

C/CAG AGENDA REPORT

Date: February 8, 2024

To: City/County Association of Governments of San Mateo County Board of Directors

From: Sean Charpentier, Executive Director

Subject: Review and approval of Resolution 24-5 authorizing the C/CAG Executive Director to execute a funding agreement with the City of Brisbane for the construction phase of the Brisbane Smart Corridor Expansion project in an amount not to exceed \$3,624,068.

(For further information or questions, contact Audrey Shiramizu at ashiramizu@smcgov.org)

RECOMMENDATION

Review and approval of Resolution 24-5 authorizing the C/CAG Executive Director to execute a funding agreement with the City of Brisbane for the construction phase of the Brisbane Smart Corridor Expansion project in an amount not to exceed \$3,624,068.

FISCAL IMPACT

The funding agreement amount is \$3,624,068. This is the cost for the construction, management and administration of the Smart Corridor expansion in the City of Brisbane.

SOURCE OF FUNDS

Funding for the agreement will come from State Transportation Improvement Program (STIP), and Local Partnership Program (LPP) funds.

BACKGROUND

The San Mateo County Smart Corridor project is a longstanding Agency priority. It is designed to improve mobility of local arterial streets by installing Intelligent Transportation System (ITS) equipment, such as an interconnected traffic signal system, close circuit television (CCTV) cameras, dynamic message signs, and vehicle detection system, on predefined designated local streets and state routes. The equipment is connected to underground fiberoptic communication infrastructure, enabling the equipment to communicate and share data with local transportation management centers (TMCs). The ITS infrastructure provides local cities and Caltrans with day-to-day traffic management capabilities to address recurring and non-recurring traffic congestion. The segments between City of San Bruno at the northern limits to the Santa Clara County line in the City of East Palo Alto has been completed. This portion of the project includes more than 238 intersections, 50 miles of fiberoptic communication cable, and 600 devices installed as part of the Smart Corridor. The devices include 270 CCTV cameras, 117 trailblazer/arterial dynamic message signs, and 40 vehicle detection systems. The South San Francisco expansion is currently in construction and is expected to be completed in 2024.

Continuing with the vision to build the Smart Corridor from the Santa Clara County line to the San Francisco County line, the Northern Cities segment is the next segment of the project. The project is a joint effort by the cities of Daly City and Brisbane, the Town of Colma, C/CAG, and the California Department of Transportation (Caltrans). The Northern Cities segment has completed design and is

construction ready. A map of the Northern Cities project corridors is included as Attachment 2 to the staff report. The City of Brisbane will manage construction of the segment located in Brisbane, while the City of Daly City will manage construction of the segment located in Daly City and Colma. This agreement is for the Brisbane segment only. The Daly City/Colma construction funding agreement was approved for execution at the December 14, 2023 Board meeting.

At the August 2023 California Transportation Commission meeting, the Commission programmed approximately \$9.9M for the construction of the Northern Cities segment. This will cover the construction costs for the Brisbane segment, the costs for the Daly City/Colma segment, and the cost for overall system integration.

The City of Brisbane will be the “Implementing Agency” leading the construction phase and administering construction contract. However, C/CAG will remain as the overall “Project sponsor” of the project. This funding agreement with the City of Brisbane outlines the obligations and responsibilities for the construction phase of the project. Separate agreements regarding the ongoing ownership, operations, and maintenance commitments will be forthcoming.

Staff recommends that the C/CAG Board approves and authorizes the C/CAG Executive Director to execute a funding agreement with the City of Brisbane in an amount not to exceed \$3,624,068 for the construction phase of the Brisbane Smart Corridor Expansion project.

EQUITY IMPACTS AND CONSIDERATIONS

The Smart Corridor is a countywide project aimed at improving mobility throughout the region. For the existing southern segments, the Smart Corridor has helped reduce traffic times along arterial roads during major freeway incidents. This benefits all road users, especially motorists who spend a larger portion of their income or time on transportation.

Additionally, the Smart Corridor system has positive impacts for non-motorists and other vulnerable populations. For example, the system can be used to implement transit signal priority, which can reduce travel times for transit riders. In Belmont, the City used Smart Corridor infrastructure to implement an adaptive traffic control system. This allowed the City to use real-time traffic conditions to change signal timing accordingly, which resulted in reduced congestion and improved access to schools. The Smart Corridor also includes dozens of trailblazer message signs installed along arterial roads to guide road users through detour routes. These wayfinding signs are especially beneficial for users that may not have a smartphone or internet access.

ATTACHMENTS NOT INCLUDED

1. Resolution 24-5
2. Map of Northern Cities project corridors
3. Draft Funding Agreement (*The document is available to download at the C/CAG website (See “Additional Agenda Materials”) at: <https://ccag.ca.gov/committees/board-of-directors-2/>*).

File Attachments for Item:

I. Receive Short Term Rental Ordinance Implementation Update

(It is being recommended that the City Council direct staff to explore obtaining an agreement with Airbnb and other hosting platforms where practical to collect and remit Transient Occupancy Tax automatically to the City.)



CITY COUNCIL AGENDA REPORT

Meeting Date: February 15, 2024

From: John Swiecki, Community Development Director

Subject: Short Term Rental Ordinance Implementation Update

Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Fiscally Prudent - Brisbane's fiscal vitality will reflect sound decisions which also speak to the values of the community

Economic Development - Brisbane will work with the businesses and residents to provide for economic vitality/diversity

Purpose

Update to the City Council on the current status of short-term rental (STR) activity monitoring, permitting, and tax collection by vendor Granicus, and request direction from the City Council on the future collection of transient occupancy tax (TOT).

Recommendation

That the City Council direct staff to explore obtaining an agreement with Airbnb and other hosting platforms where practical to collect and remit TOT automatically to the City.

Background

The City of Brisbane adopted an ordinance, effective summer 2020 permitting STRs subject to a number of operational and performance standards. In early 2021, the City entered into a contract with Granicus to automate the STR permit process and monitor STR activity on multiple listing sites, allowing the City to initiate code enforcement as needed and pursue the collection of TOT. The City has annually renewed its contract with Granicus, most recently in December 2023. In November 2021 the City Council passed an ordinance to increase the fines for STRs operating in violation of the City's regulations.

Discussion

A detailed report to the City Manager discussing ongoing permitting, monitoring, enforcement, and TOT collection issues was prepared in December 2023. This Council report provides an overview of these issues, with updated information as available. The detailed December 2023 report is attached for reference.

STR OPERATING PERMITS

The City has issued a total of 5 STR permits since the ordinance was adopted. One permit expired early in 2023 and was not renewed. Below is a table of active STR permit holders and the expiration date of their permits.

Permit Number	STR Address	Expiration Date
2022-STR-2	150 Kings Road	August 29, 2025
2022-STR-3	161 Tulare Street	March 16, 2024
2023-STR-1	461 Kings Road	May 23, 2024
2023-STR-3	433 Kings Road	September 13, 2024

MONITORING AND ENFORCEMENT

Granicus actively monitors more than 60 vacation rental websites and approximately 250 listings to verify compliance with the ordinance. The latest data from January 2024 identified up to eight units that are or could be an STR with active listings. Since October 2021, the City of Brisbane has averaged 4-6 STR units at any given time.

Suspected unpermitted STR units are issued a non-compliance warning letter from Granicus within two-three weeks. The letter specifies the listing must be removed from all sites within ten days and directs them how to apply for an STR permit. A copy of the offending listing(s) is also included with the warning letter. If the listing is not removed or amended to be a long-term listing, the case is referred to the City's code enforcement officer and administrative citations may be issued. Five non-compliance warning letters were issued to first-time violators in 2023. No STR citations were issued in 2023.

TOT COLLECTION & ESTIMATES

Per the STR Ordinance, all STR permit holders are required to pay TOT taxes. This is required to be done quarterly either electronically via Granicus' platform or in-person at City Hall. In addition to TOT taxes, all STR permit operators must pay a daily business license tax of \$2.50 for every room for which a transient has paid rent. Both the TOT and business license tax must be paid in four installments, due on January 1, April 1, July 1, and October 1 of each year. Permit holders have 30 days to remit payment before penalties and interest accrue, and permit holders are required to submit quarterly TOT reports even if there was no rental activity within the prior quarter. The attached memo details the fees and penalties prescribed under the Brisbane Municipal Code (BMC) for violations of the STR Ordinance and failure to timely remit TOT.

UPDATES TO THE CITY'S STR PERMITTING/IMPLEMENTATION PROCESS

As the City has implemented the STR ordinance, opportunities to improve the process have been identified. Staff has recently made the changes to the process for STR permitting and TOT collection. Adjustments to the language contained within automated email reminders and standard conditions of approval, and other STR permitting processes, such as the review of TOT payments and audits, are discussed within the attached memo.

AUTOMATIC COLLECTION OF TOT

When the City adopted its STR ordinance, it was not standard practice for hosting platforms, such as Airbnb, to collect and remit occupancy taxes on behalf of their users to local municipalities.

Since then, the list of jurisdictions with agreements allowing hosting platforms to facilitate collection and remittance of TOT has increased and also includes a number of smaller jurisdictions as well, such as Fowler and Dunsmuir, CA, which have populations under 7,000 and 2,000, respectively.

While an agreement would be required for each listing platform, the City could enter into agreements with the largest hosting platforms, like Airbnb and VRBO (Airbnb is the largest STR online travel agency in North America), and capture a large portion of rentals and listings within the City and potential collect TOT from permit holders automatically, rather than relying on permit holders to manually remit taxes quarterly.

If the City were to enter into an agreement, generally, such companies would offer hosts the ability to authorize the company to collect taxes on their behalf and to remit such taxes to the relevant tax authority. The payouts to host would be minus the applicable tax and, in the event that the taxes collected and/or remitted are insufficient to cover a host's tax obligations, the company may seek additional amounts from hosts. City staff would maintain the ability to audit permit holders under Granicus' current service agreement, regardless of an agreement to automate collection of TOT with hosting platforms. It is recommended the City Council authorize staff to further investigate the possibility of entering into an agreement with Airbnb for the automated collection and remittance of TOT.

Fiscal Impact

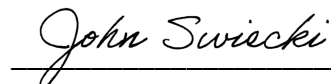
Any TOT collected for STRs- permitted or not- would be a net increase to the City's TOT revenue. Due to the small number of STRs in operation, it is unlikely that TOT revenues would be significant. However, an automated TOT collection and remittance system could reduce staff time and cost associated with monitoring TOT collection.

Measure Of Success

A tax collection policy for STRs that is equitable and holds STR operators accountable for their activity.

Attachments

1. Staff Memorandum on STR Implementation



John Swiecki, Community Development Director



Clay Holstine, City Manager



MEMORANDUM

Date: December 19, 2023

To: Clay Holstein, City Manager

From: John Swiecki, Community Development Director

Subject: Short Term Rental Monitoring, Permitting, & Collection of Transient Occupancy Tax

BACKGROUND

The City of Brisbane adopted an ordinance, which took effect in summer 2020, permitting short-term rentals (STRs) subject to a number of operational and performance standards. In early 2021 the City entered into a contract with a vendor (Granicus) to automate the STR permit process and monitor STR activity on multiple listing sites, allowing the City to initiate code enforcement as needed and pursue the collection of transient occupancy tax (TOT). Lastly, the City Council passed an ordinance, pursuant to SB 60, to increase the fines for STRs operating in violation of the City's regulations on November 18, 2021. Ongoing permitting, monitoring, enforcement, and TOT collection issues are discussed below.

STR PERMITTING

The City has issued a total of 5 STR permits since the ordinance was adopted. One permit expired earlier in 2023 and was not renewed. Below is a table of active STR permit holders and the expiration date of their permits. Permit renewal reminders are automatically sent via Granicus approximately 2-4 weeks prior to permit expiration. As of the date of this memo only two permit holders have had documented stays since their permit was issued, and were therefore required to remit TOT (150 Kings Road and 161 Tulare Street). 150 Kings has remitted TOT for all previous quarters while 461 Kings and 433 Kings have reported \$0 revenue for the latest quarter.

<i>Permit Number</i>	<i>STR Address</i>	<i>Host</i>	<i>Expiration Date</i>
2022-STR-2	150 Kings Road	Philipp Reichardt	August 29, 2025
2022-STR-3	161 Tulare Street	Jamesanne Dunn	March 16, 2024
2023-STR-1	461 Kings Road	Keith Bentz	May 23, 2024
2022-STR-3	433 Kings Road	Rhea Rivera	September 13, 2024

MONITORING AND ENFORCEMENT

- Granicus actively monitors more than 60 vacation rental websites and approximately 250 listings to verify compliance with the ordinance. Some of these are outside the City limits,

others are listed on a month-to month basis and therefore not subject to the ordinance, and others are unverified. Listing data from vacation rental websites is pulled into Granicus' program every 3-7 days.

- 12 STRs with active listings were originally identified in June 2021 and the latest data from December 2023 identified seven STR units with active listings. This number fluctuates over time, and the current total of seven is three more than when last reported to the City Council in October 2023. Since October 2021, the City of Brisbane has averaged 4-6 active STR units at any given time. When first identified, STR units without permits are issued a non-compliance warning letter from Granicus within two-three weeks. The letter specifies the listing must be removed from all sites within 10 days and directs them how to apply for an STR permit. A copy of the offending listing(s) is also included with the warning letter. If the listing is not removed or amended to be a long-term listing, the case is referred to the City's code enforcement officer and administrative citations may be issued. Five non-compliance warning letters were issued to first-time violators in 2023.
- No STR citations have been issued in 2023.

The cost of Granicus' services has been approximately \$11,000 per year and the City has collected an average of \$5,750 in TOT per year. The City has cumulatively collected approximately \$15,000 in TOT from STRs.

FEES/PENALTIES/REVOCATION

Brisbane's STR ordinance establishes permitting requirements and operational standards for STRs, as well as penalties for failure to comply with the Ordinance. Per Section 17.35.050 of the Ordinance, "Failure to comply with any provisions of this chapter will constitute a violation of this chapter, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16, and 1.18."

Chapters 1.14, 1.16, and 1.18 establish the City's authority to enforce the Brisbane Municipal Code (BMC) and issue administrative citations and compliance orders to address any violations of the BMC. Of note, fines for violations of the STR ordinance start at \$1,500 and escalate to \$5,000, whereas all other administrative fines start at \$100 and increase to \$500. Violations of the City's STR ordinance would include, but is not limited to, operating without a permit, exceeding occupancy limits, hosting special events, and/or failure to pay the City's Transient Occupancy Tax (TOT).

While a permit holder may be subject to administrative fines and/or compliance orders for failure to pay TOT, the BMC also stipulates penalties for non-payment or late payment of TOT under Chapter 3.24. Below is a summary of TOT penalties:

- Original Delinquency. Failure to remit tax payment within 30 days is subject to a 10% penalty, in addition to the amount of the tax.
- Continued Delinquency. A second delinquency penalty of 10% is applied for nonpayment after 60 days, in addition to the amount of the tax and first penalty.

- **Fraud.** If nonpayment of any remittance is due to fraud, a penalty of 25% applies, in addition to the penalties above.
- **Interest.** In addition to the penalties imposed, failure to remit taxes on time will accrue interest at the rate of 1% per month on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

Note, every penalty imposed and interest accrued under BMC Chapter 3.24 becomes a part of the tax required to be paid under the BMC. And as stated above, violations of BMC Chapter 3.24 constitute a misdemeanor, punishable by the fines, penalties, and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of the BMC.

Finally, an issued STR permit may be suspended or revoked by the zoning administrator if the host or the conduct of the STR activity violates the City's Ordinance. Specifically, the STR Ordinance stipulates the zoning administrator shall act when there are two or more notices of violation within a 12-month period. Also of note, when approving or renewing an STR permit, the zoning administrator must find that the unit to be offered for STR is not the subject of an active code enforcement action or administrative citation from the city in the past 12 months. If there is either an administrative citation or active code enforcement action within the past 12 months, the permit could not be granted and/or renewed per the ordinance.

TOT COLLECTION & ESTIMATES

Granicus sends an automated email reminder quarterly to all permit holders and provides a link to make an online remittance. City staff is responsible for monitoring TOT payments; Granicus does not monitor or verify TOT payments. Granicus does provide staff estimates of average nightly rates, nights occupied, and estimated revenue for STRs; note, Granicus does not provide such estimates for rental units without any documented stays.

ACTIVE PERMIT HOLDER TOT REPORTING AND REMITTANCE

Permit holders 2022-STR-2, 2023-STR-1, and 2023-STR-3 have reported and remitted applicable taxes since issuance of their respective permits (the history of permit holder 2022-STR-3 is detailed below the table). Staff did not audit permit holders prior to the fourth quarter of 2023. However, staff closely examined the reported revenue for the last quarter of 2023 and the table below represents a summary of reported revenue and tax remittance for active permit holders for the fourth quarter of 2023.

Permit Number	Documented Stays (per Granicus)	Reported Revenue	Estimated Revenue (per Granicus)		Paid Amount (as of 1/31/24)
			Low	High	
2022-STR-2	0	0.00	\$0.00	0.00	NA
2022-STR-3	13	0.00	\$2,081.00	\$9,323.00	\$0.00
2023-STR-1	8	\$13,578.00	\$1,621.00	\$18,645.00	\$2,033.42
2023-STR-3	0	0.00	\$0.00	\$0.00	NA

Two of the four permit holders reported \$0.00 in revenue for the fourth quarter, which is supported by the number of documented stays identified by Granicus; no tax remittance is required. A third permit holder reported 51 nights occupied, more than the estimate provided by Granicus, and remitted payment to the City online via Granicus. The total remittance is correct, based on the reported revenue and number of nights occupied, and is inclusive of a payment processing fee.

STR permit 2022-STR-3, to date, has not reported fourth quarter revenue while Granicus identified 13 documented stays within the fourth quarter. Additionally, this permit holder has not reported nor remitted tax to the City since permit issuance on March 16, 2023. Below is a high-level summary of the estimated tax owed for 2022-STR-3 since permit issuance:

	Gross Revenue	Nights Occupied	TOT & Fees	Penalties, Fees & Interest	Total Tax Due
Q4	\$1,979-\$3,442	26-43	\$342-\$589	\$38-\$65	\$380-654
Q3	\$4,660	62	\$807	\$250	\$1,057
Q2	\$2,892-\$3,936	38-49	\$500-\$673	\$120-\$162	\$620-\$835
Total					\$2,057 -\$2,546

Staff has been in contact with the permit holder to ensure they are aware of their responsibilities to remit TOT, as well as the penalties and interest for both the second, third, and fourth quarters of 2023. Staff also provided a detailed copy of the estimated TOT accounting to the permit holder in December of last year and again in January of this year, and continues to remind them of their obligations under the BMC.

STR permit 2022-STR-3 expires one year from issuance, or in March 2024. As indicated previously, failure to pay TOT would be a violation of the operating standards of the STR ordinance and the zoning administrator would not be able to make the findings required to renew this permit; without remittance of all delinquent TOT (inclusive of penalties and interest), a renewal request would likely be denied.

UPDATES TO THE CITY'S STR PERMITTING/IMPLEMENTATION PROCESS

As the City has commenced implementation of the STR ordinance, opportunities to improve the process have been identified. Staff has recently made the changes to the process for STR permitting and TOT collection. Adjustments to automated email reminders, standard conditions of approval, and other STR permitting processes are discussed below.

AUTOMATED EMAIL REMINDERS

When implementing Granicus' monitoring and permitting platform, a number of automated emails were included for registration, payments, and reminders. In particular, a template was created to remind permit holders to pay TOT quarterly. Briefly, it indicated it was time for the permit holder to pay TOT, listed the address of the rental unit and the permit number, and

specified that even if there was no activity there permit holder still had to submit a report showing zero dollars. A link to report and pay online was included in the email.

In November 2023, staff directed Granicus to amend the TOT reminder template to add clarifying text specifying when TOT payments are due and the penalties for non-payment. The amended email now includes the following information, in addition to the prior content:

- Failure to report rental activity and remit payment to the City of Brisbane constitutes a violation of the City's short term rental operational standards and may result in suspension or revocation of your permit.
- Quarterly payments are due January 1, April 1, July 1, and October 1 of each year.
- Failure to remit tax payment within 30 days from the above dates is subject to a 10% penalty, in addition to the amount of the tax.
- A second delinquency penalty of 10% is applied for nonpayment after 60 days, in addition to the penalty above.
- If nonpayment of any remittance is due to fraud, a penalty of 25% applies, in addition to the penalties above.
- In addition to the penalties imposed, failure to remit taxes on time will accrue interest at the rate of 1% per month on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

PERMIT CONDITIONS OF APPROVAL

Standard conditions of approval are included with any approved STR permit and generally specify the following:

1. Off-street parking identified within the application shall be used to meet STR parking requirements.
2. The number and location of rooms that may be used for STR and the prohibition of utilizing any other rooms for STR activity.
3. The maximum occupancy of the STR.
4. Requirements to indicate the maximum occupancy and the general location of the room(s) available for rent within any rental listing.
5. The requirement to obtain a business license.

In addition to the conditions of approval, the operational standards specified within the STR Ordinance are included with approved permits and generally cover the regulations of the ordinance, such as:

- Unhosted stays and special events are prohibited;
- Hosts must maintain insurance;
- Limitation on separate bookings;
- Check-in and check-out times;
- Noise and safety requirements;

- Maintaining records of compliance;
- Expiration and renewal of permit the permit; and
- Requirement to pay TOT

In conjunction with the amendment to the email reminder to permit holders to pay TOT, staff has modified the standard conditions of approval to more explicitly specify when TOT is due. Rather than simply indicating TOT must be paid pursuant to the BMC, the conditions of approval and operating standards, going forward, will also stipulate TOT payment due dates and when payments are considered delinquent, the penalties and interest for late payments, and that failure to comply with any provisions of the STR Ordinance will subject the permit holder to administrative citations and compliance orders and suspension and revocation proceedings.

REVIEW OF TOT PAYMENTS

Until recently, it was not staff's practice to audit permit holders quarterly for TOT payment. This was due in part because prior to 2023, the City had issued only one STR permit. That permit, 2022-STR-2, has reported and paid TOT each quarter, and verification of remittance was performed when the permit was renewed one year after issuance. The procedure going forward will be for staff to more closely monitor TOT reporting and payments quarterly, as done for the last quarter of 2023. Staff will use Granicus' estimates as part of its monitoring, however, it is ultimately up to the operator to accurately report and remit payments as Granicus' estimates are just that, estimates. Of note, City staff maintains the ability to request additional documentation as part verifying accurate TOT remittance, and using Granicus' platform, can initiate an audit of any permit holder at any time. If an audit is initiated by staff, Granicus will send a physical letter to the auditee and provides them a secure URL to upload the following documents:

- Advertisement listing URLs
- Evidence of Revenue (i.e. platform screenshots, transaction history, bank statements)
- Evidence of payment (if applicable)
- Digital Signature

Staff would review the provided documentation; Granicus is not involved. If the results of an audit indicate under-payment, applicable penalties and interest will be required per BMC Chapter 3.24, and as discussed previously, noncompliance due to nonpayment is subject to administrative citations and/or compliance orders. In such instances, staff would involve the Code Enforcement Department.

AUTOMATIC COLLECTION OF TOT

When the City adopted its STR ordinance, it was not standard practice for hosting platforms, such as Airbnb, to collect and remit occupancy taxes on behalf of their users to local municipalities. Since then, the list of jurisdictions with agreements allowing hosting platforms to facilitate collection and remittance of TOT has increased and also includes a number of smaller

jurisdictions as well, such as Fowler and Dunsmuir, CA, which have populations under 7,000 and 2,000, respectively.

While an agreement would be required for each listing platform, the City could enter into agreements with the largest hosting platforms, like Airbnb and VRBO (Airbnb is the largest STR online travel agency in North America), and capture a large portion of rentals, listings, and potential TOT.

If the City were to enter into an agreement, generally, such companies would offer hosts the ability to authorize the company to collect taxes on their behalf and to remit such taxes to the relevant tax authority. The payouts to host would be minus the applicable tax and, in the event that the taxes collected and/or remitted are insufficient to cover a host's tax obligations, the company may seek additional amounts from hosts. City staff would maintain the ability to audit permit holders under Granicus' current service agreement, regardless of an agreement to automate collection of TOT with hosting platforms.

It is recommended that City staff explore obtaining an agreement with Airbnb and other hosting platforms where practical to collect and remit TOT.

ATTACHMENTS

None



John Swiecki, Community Development Director

File Attachments for Item:

J. Consider Potential Sale of City Parcel APN 005-300-999 (formerly, S.P.R.R. SBE 872-41-23R) and Consider Approval of Resolution Declaring that City Parcel is Surplus Land

(It is being recommended that if Council elects to continue with the potential sale of APN 005-300-999, Council consider adoption of a Resolution declaring that the property owned by the City as surplus land. These actions are not subject to further environmental review as they involve general policy-making activities of the City Council and hence they are not projects under the California Environmental Quality Act (CEQA). CEQA Guidelines, Section 15378 (b) (2). Or if Council elects not to proceed with selling the property, Councilmembers consider providing direction to staff deemed necessary and appropriate.)



CITY COUNCIL AGENDA REPORT

Meeting Date: February 15, 2024

From: Director of Public Works/City Engineer

Subject: Potential Sale of City Parcel APN 005-300-999 (formerly, S.P.R.R. SBE 872-41-23R);
Resolution Declaring that City Parcel is Surplus Land

Community Goal/Result: Economic Development

Purpose

To determine whether there is City Council support to sell vacant and landlocked property in Crocker Park and, if so, to discuss the next steps Council must take concerning the sale of this property.

Recommendation

1. If Council elects to continue with the potential sale of APN 005-300-999;

Adopt Resolution No. 2024-XX declaring that the property owned by the City, a landlocked, vacant site of approximately 28,000 square feet located in Crocker Park, encumbered by a drainage canal, is surplus land, i.e., not necessary for the City's use, and if there is no interest in any school district, recreation agencies, or affordable housing developers to purchase the property, authorize the City Manager to (a) sell the property at fair market value, including the potential sale to the adjacent property owner, BLT Enterprises, and (b) sign a purchase and sale agreement, in a form as approved by the City Attorney, and authorize the City Clerk to record the necessary documents to effectuate the sale.

These actions are not subject to further environmental review as they involve general policy making activities of the City Council and hence they are not projects under the California Environmental Quality Act (CEQA). CEQA Guidelines, Section 15378 (b) (2).

2. If Council elects not to proceed with selling the property, provide direction to staff deemed necessary and appropriate

Background

The property that is the subject of this agenda report is located in Crocker Park and is part of a former rail spur that was owned by the Southern Pacific Railroad. The Railroad sold the property to the McKesson Corporation and, in 1995, the McKesson Corporation transferred this property and numerous other properties in the area to the City. The particular parcel that is the subject of this agenda report is highlighted in blue on the included

screenshot from San Mateo County Property Information Portal (pg. 5 of this report).

The next screenshot (pg. 6 of 11) shows the portion of the property that was sold to South Hill Properties (Sheng Kee), as well as the discontinuity in the former rail spur immediately to the west of the land sold. The third screenshot (pg. 7 of 11) shows a wider view of the area in question, and also highlights the parcel that is now under discussion for potential sale.

Recently, BLT Enterprises, which owns property at 151 West Hill Place, which property is immediately adjacent to the parcel under discussion, made inquiry of City staff about its purchasing this parcel. Several issues dominated staff's review of this request and subsequent conversations with Council; first, was the examination of any future "best" uses for this parcel, e.g., use of the property for access to San Bruno Mountain; second, the presence of existing city storm drain facilities on the parcel; and third, what level of development would be permitted on the parcel were it sold.

Discussion

The question on future best uses for this parcel was focused primarily on its potential use for access to San Bruno Mountain. As seen in the attached "Vicinity 201 South Hill" photo (pg. 6 of 11), this parcel dead-ends at 201 South Hill, and currently does not provide any potential for future access to the Mountain. In its letter of intent to purchase this property, the adjacent property owner states that it will provide an easement on the property for the purpose of providing public access.

The second issue considered during review of this request was the City's storm drain facilities. This matter would be resolved by requiring any purchaser to grant the City an easement for its storm drain facilities on the property, and the owner's agreement to maintain the storm drain facilities, including providing permission for the city to inspect the owner's compliance with the agreed upon duty to maintain the vee ditch. Those commitments are also set forth in the letter of intent.

Third was the City Council's concern about future development of the property. The property owner's letter of intent states that a covenant would be recorded to restrict the use of the property (other than for the public trail and the storm drain facilities) to parking for and access to the building on the adjacent property (which now houses a Frito-Lay facility).

Given these commitments from BLT Enterprises—which commitments would be embodied in a written purchase agreement—if Council wishes to proceed with the potential sale of the property, set forth below are the next steps, with the understanding, explained below, that the Council's agreeing to proceed with the sale does not necessarily mean the property will be sold to BLT Enterprises.

Next Steps

Compliance with the Surplus Land Act.

The Surplus Land Act (Government Code, section 54220 and following) increases the availability of land held by public agencies for use in creating housing for low/moderate income families, for recreational or school district purposes, and for clustered housing/commercial development near transit stations. The parcel under discussion is not near a transit station, and its 44-foot width is encumbered by a 15' vee ditch easement that makes it likely unsuitable for any housing. Both its small size and its inaccessibility due to being surrounded on all four sides by lands of others also makes it likely unsuitable for recreation or school district purposes.

Notwithstanding its inapplicability to the intent of the Act, there is no express exemption that the Act does not apply and, therefore, prior to selling the land, the City is required to make a finding at a regular public meeting that the land is not necessary for the City's use, which the Act defines as "surplus land." Then the City must provide notice of the availability of the parcel to school districts, recreation agencies and affordable housing developers. (The State maintains a list of such developers.)

Approval of Resolution No. 2024-xx will satisfy the requirements of the Act

Final negotiations with a purchasing party

If there is no interest in any of the public agencies or affordable housing developers in purchasing the property at a price that the City Council deems fair, the City may then enter into negotiations to determine a mutually satisfactory sales price with a third party, such as BLT Enterprises. (BLT's letter of intent includes a purchase price of \$718,250.) Based on the unsuitability of the parcel for housing or school purposes, and with no existing/planned trail on the San Bruno Mountain State and County Park trail map within 1/4- 1/2 mile of the western terminus of the parcel, staff does not anticipate receiving offers from affordable housing developers, the County of San Mateo, or school districts. Assuming that is the case, Council action tonight includes authority for the City Manager to enter into a purchase agreement and any other documents necessary to carry out the sale. If a purchase agreement and related documents are entered into with BLT, such agreement must be consistent with BLT's letter of intent, and in a final form as approved by the City Attorney.

Conformity with the City's General Plan and Sale of the Property

If there is a purchase agreement, before the property may be sold, the Planning Commission must find that the sale is consistent with the City's General Plan. Any decision of the Planning Commission could be appealed to the City Council. Such an item would not be presented either to the Planning Commission or to the City Council (on appeal) until there is a signed purchase agreement and, of course, the sale would be contingent on the finding of the sale's conformity

with the General Plan.

Fiscal Impact

If the property is eventually sold as provided in the letter of intent, there would be one time revenue of approximately \$718,000. Council will have the discretion to direct this money's placement into whatever account or accounts it deems appropriate. If the City were to receive offers from a school district, recreation agency or an affordable housing developer, the item would be returned to Council for further consideration of such offer.

Environmental Review

These actions are not subject to further environmental review because the actions are general policy making activities and hence they are not projects under the California Environmental Quality Act (CEQA). CEQA Guidelines, section 15378 (b) (2).

Measure of Success

If Council directs staff to move forward with the sale, in the future, City Council has directed that proceeds will be used for open space acquisition and open space habitat management.

Attachments

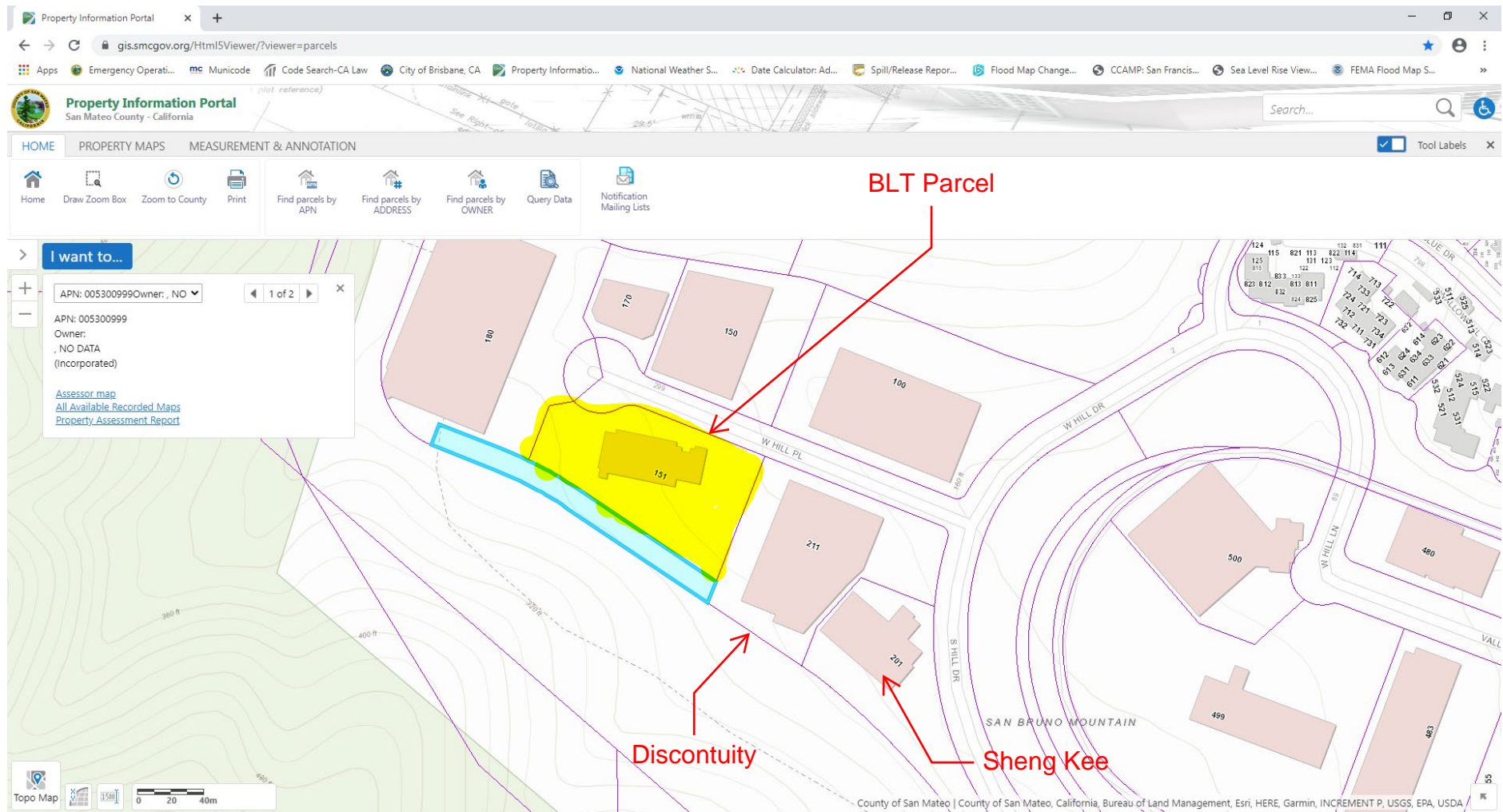
1. Screenshot from San Mateo County Property Information Portal [pg. 5 of 11]
2. Orthodigital view from 201 South Hill sale [pg. 6 of 11]
3. Orthodigital view highlighting requested sale to 151 West Hill Place [pg. 7 of 11]
4. Resolution declaring property surplus land and providing authority to the City Manager to carry out the sale

R.L. Breault

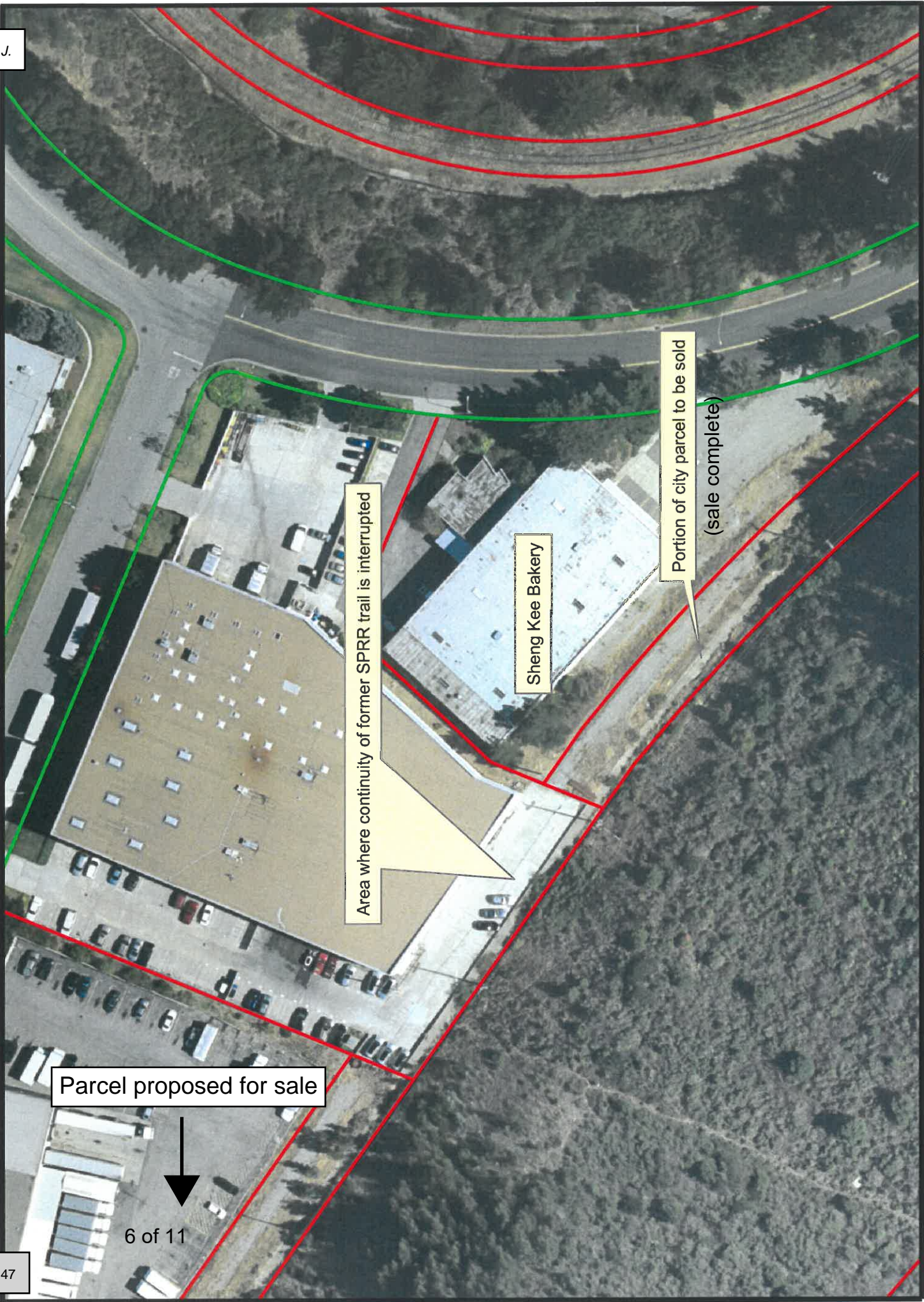
Randy Breault, Public Works Director

Clay Holstine

Clay Holstine, City Manager



- City owned parcel shown in blue
- BLT parcel at 151 West Hill Place
- Discontinuity in trail spur shown at 211 South Hill Drive
- Sheng Kee (now owning former city railroad spur) at 201 South Hill



Area where continuity of former SPRR trail is interrupted

Sheng Kee Bakery

Portion of city parcel to be sold
(sale complete)

Parcel proposed for sale

6 of 11

J.

Extent of city owned former rail parcel parallel to West Hill Place

BLT Parcel



BRISBANE CITY COUNCIL RESOLUTION NO. 2024-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE DECLARING CERTAIN PROPERTY IT OWNS AS SURPLUS LAND AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO DISPOSE OF THE PROPERTY CONSISTENT WITH THIS RESOLUTION

Whereas, State law, the Surplus Lands Act (“SLA”) requires that before a local agency, including a City, takes any action to sell or lease its property, it must declare the property to be either “surplus land” or “exempt surplus land”; and

Whereas, “surplus land” means land owned in fee simple by any local agency for which the local agency’s governing body takes formal action in a regular meeting declaring that such land is surplus and is not necessary for the agency’s use; and

Whereas, unless the surplus land is exempt, the agency must give written notice of its availability to any local public entity, including schools and park districts, within whose jurisdiction the property is located, as well as to housing sponsors that have notified the State Department of Housing and Community Development (HCD) of their interest in surplus property; and

Whereas, the City of Brisbane owns vacant, landlocked, property in Crocker Park, and Whereas, BLT Enterprises also owns property within Crocker Park and approximately 28,000 square feet of City owned property lies immediately adjacent to the BLT Enterprises property; and

Whereas, BLT Enterprises has asked the City whether it would sell to it the approximate 28,000 square feet of City property, as depicted on the attached Exhibit 1, to be used by BLT Enterprises solely for the parking of vehicles for, and access to the building for, employees of the business located on the BLT Enterprises property; and

Whereas, there is a drainage canal on the property and BLT Enterprises has indicated that if the City sells the property to it, it would grant the City an easement for such canal, and maintain the drainage canal in perpetuity; and

Whereas, BLT Enterprises has also indicated that it will grant the City an easement on the property to be sold for the purpose of providing a public access that would connect to the eastern boundary of San Bruno Mountain State and County Park; and

Whereas, BLT Enterprises has also indicated that by written and recorded instrument it would restrict the use of the property sold to it for parking for, and access to, the building on the property that BLT owns; and

Whereas, the City Council finds and determines that the City has no need of this property for public purposes because of its odd shape and location and that BLT Enterprises, should the property be sold to it, would grant the City an easement for the drainage canal on the property, maintain the drainage canal on the property in perpetuity, grant the City an easement for the purpose of providing a public hiking trail that would connect to the eastern boundary of San Bruno Mountain State and County Park, and would restrict the use of the property sold to it for the parking of vehicles by persons using the

8 of 11

building on adjacent property owned by BLT Enterprises; and

Whereas, the City Council further finds, based upon the foregoing recitals, that the approximate 28,000 square feet of City owned property is surplus land.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRISBANE
RESOLVES AS FOLLOWS:**

Section 1. The vacant, approximately 28,000 square foot site in Crocker Park, as depicted on the attached Exhibit 1, is declared surplus land and the City Manager shall, on behalf of the City, (a) send the appropriate notices under Government Code, section 54222, (b) negotiate in good faith for the disposition of the property should there be any interest in the property by those districts, recreation agencies and affordable housing developers who receive such notice, and (c) participate in negotiations to dispose of the property should there be no interest by those school districts, recreation agencies or affordable housing developers or, if there is such interest, no agreement as to the property's disposition is reached.

Section 2. If the surplus land is not sold to a school district, a recreation agency or an affordable housing developer, the City Manager is authorized to take all necessary steps and to sign all necessary documents to sell the property at fair market value, including entering into a purchase agreement to dispose of the surplus land consistent with the terms and conditions of the letter of intent dated January 23, 2024 submitted by BLT Enterprises, when the purchase agreement and any documents required by the purchase agreement are approved in final form by the City Attorney.

Section 3. Should a purchase agreement be executed, once all its conditions have been satisfied, the City Clerk is authorized to record all documents to carry out the purpose of the purchase agreement.

Section 4. This Resolution shall become effective immediately upon its adoption.

Terry O'Connell, Mayor

* * * *

I hereby certify that the foregoing Resolution No. 2024-XX was duly and regularly adopted at a regular meeting of the Brisbane City Council on February 15, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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ATTEST:

Ingrid Padilla, City Clerk

Approved as to form:

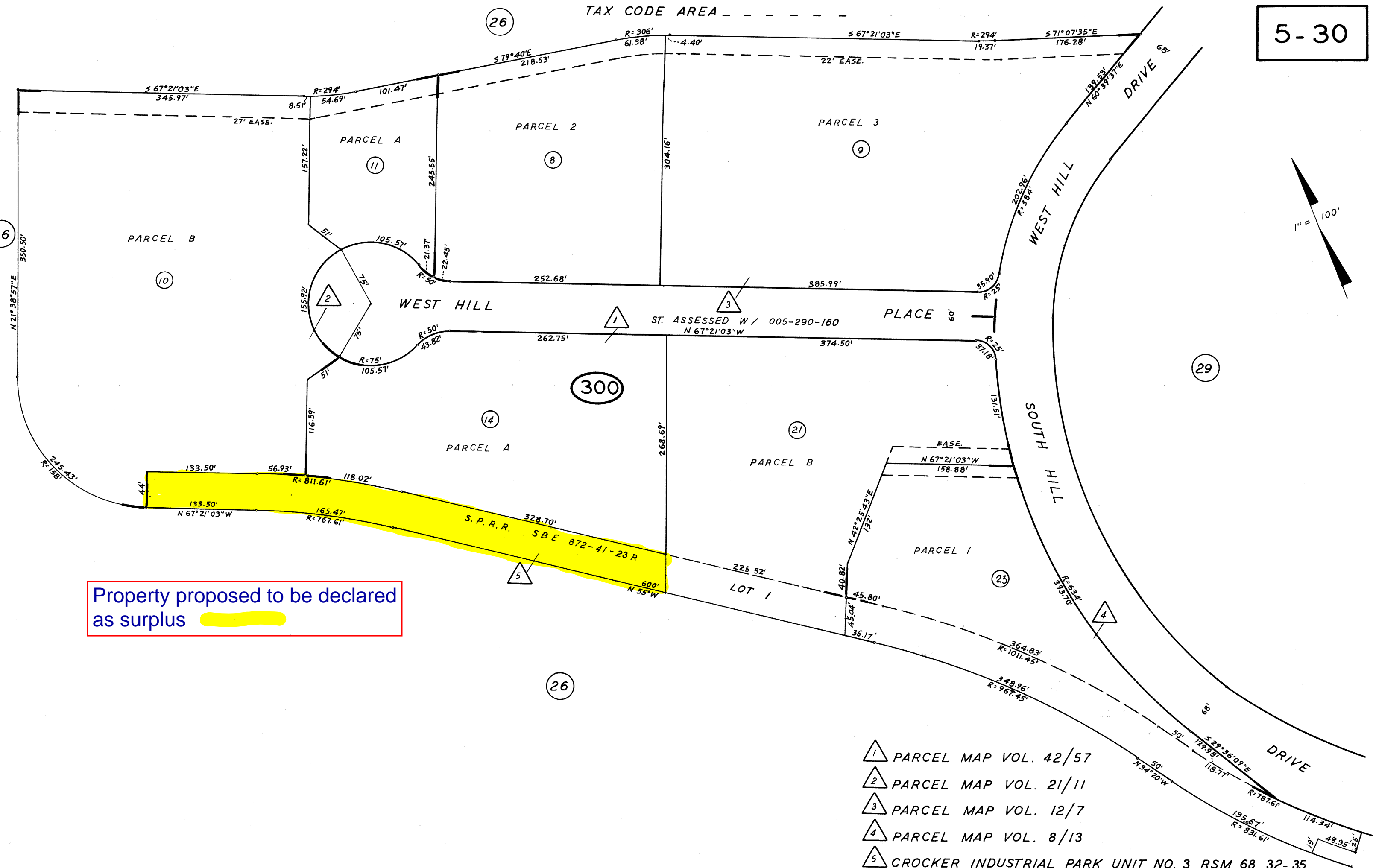
Thomas R. McMorrow, City Attorney

EXHIBIT 1

5-30

Property proposed to be declared
as surplus

- 1 PARCEL MAP VOL. 42/57
- 2 PARCEL MAP VOL. 21/11
- 3 PARCEL MAP VOL. 12/7
- 4 PARCEL MAP VOL. 8/13
- 5 CROCKER INDUSTRIAL PARK UNIT NO. 3 RSM 68 32-35



File Attachments for Item:

L. Countywide Assignments and Subcommittee Reports

i. Consider Endorsing a Letter to the California Insurance Commissioner



CITY *of* BRISBANE

Council Subcommittee Update

From January 29th, 2024 to February 9th, 2024

Economic Development Subcommittee

1/29

Cunningham, Lentz

The subcommittee reviewed the City's Brisbane Rental Assistance Program Eligibility requirements. The liaisons gave directions to staff for modifications and to be reviewed at the Council meeting on 2/15. The subcommittee also received an update on the Building Efficiency program and a status of the 85 industrial/multifamily buildings going through the program. And finally the subcommittee got an economic development update and a draft of the 10-year Economic Development Review Report. This will be presented to Council in March.

Upcoming Subcommittees:

Liaison to CSSC Subcommittee

3/6

6:30pm

Cunningham, Mackin

Public Art Advisory Committee

3/18

4:30pm

Cunningham, Davis



February 16, 2024

Dear Commissioner Ricardo,

In light of the recent targeting of the homeowners of Brisbane regarding either outright policy cancellations with little to no explanation or different explanations including:

1. THIS INSURER IS NO LONGER OFFERING INSURANCE IN CALIFORNIA (attached)
2. There is good news as Farmers insurance is not leaving the state of California (attached)
3. The two major Condominium Developments in Brisbane have received notices of Insurance Increases from \$138,000.00PA to \$1.3 Million Dollars. This will cause a levy of \$5,700 - \$5,800 per homeowner; many of whom are retired or on a fixed income

Brisbane has NOT seen any major fire or flood claims. We cannot bear the burden of losses from other States and other areas' catastrophic losses.

As the representative for the City/County Association of Governments (C/CAG) of San Mateo County from Brisbane, I have sent messages to our County Board of Supervisors, Assemblywoman Diane Papan and Congressman Kevin Mullin asking for help. At last evening's C/CAG meeting where all Mayors or Vice Mayors were present from every City in San Mateo County. I asked, after the Bay Area Housing Finance Authority (BAHFA) presentation, how insurance was going to play into our future growth? I also asked the other Cities if they were being targeted for insurance cancellations or policy rate increases that are ten times more the original rate. The answer was a flat NO.

So please Commissioner, you must take this very seriously as without insurance we cannot build. Without Insurance we will have people lose their mortgages and thus, their homes. Without insurance we will create more homelessness. This is an extremely urgent matter and I ask you to act immediately on our behalf.

Sincerely,

Mayor Pro Tem Karen Cunningham
On Behalf of City of Brisbane City Councilmembers