



CITY of BRISBANE

Joint City Council / Guadalupe Valley Municipal Improvement District Meeting Agenda

Thursday, May 4, 2023 at 7:30 PM • Hybrid Meeting 50 Park Place, Brisbane, CA

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).

To address the City Council on any item – whether on the posted agenda or not – please fill out a Request to Speak Form located in the Community Meeting Room Lobby and submit it to the City Clerk. Speakers are not required to submit their name or address.

REMOTE PARTICIPATION

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The agenda materials may be viewed online at brisbaneca.org at least 72 hours prior to a Regular Meeting, and at least 24 hours prior to a Special Meeting.

Remote Public Comments:

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

Join Zoom Webinar: zoom.us (please use the latest version: zoom.us/download)
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Webinar ID: 991 9362 8666

Call In Number: 1 (669) 900-9128

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

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the City Clerk at (415) 508-2113. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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 PRESENTATION

- B. Proclaiming May as Asian American Pacific Islander Heritage Month
- C. Proclaiming May as Wildfire Preparedness Month

ORAL COMMUNICATIONS NO. 1

CONSENT CALENDAR

- D. Approve Minutes of City Council Meeting of April 6, 2023
- E. Approve Minutes of City Council Closed Session Meeting of April 20, 2023
- F. Adopt an Ordinance, Waiving Second Reading, Conforming Sewer Service and Water Service Charges to Charges Approved by City Council on April 20, 2023
- G. Adopt Resolution Establishing the 2023 Business License Tax for Liquid Storage Facilities as to Kinder Morgan/SFPP
- H. Approve Solid Waste Collection Rate Adjustment – South San Francisco Scavenger Company
(It is being recommended to receive So. San Francisco Scavenger’s 2023 rate increase of 3.90%.)

- I. Approve the Guadalupe Valley Municipal Improvement District Board of Director's appointment to the Bay Area Water Supply & Conservation Agency (BAWSCA) and Bay Area Regional Water System Financing Authority (RFA) Boards
- J. Approve a resolution adopting the slurry seal of various city streets for fiscal year 2023-2024 funded by Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017.
- K. Approve Construction Contract for Crocker Trail Resurfacing (Project No. 921S)

(Award the construction contract for the Crocker Trail Resurfacing to E.E. Gilbert Construction in the amount of \$795, 510.15 and authorize the mayor to sign the Agreement on behalf of the City.)

NEW BUSINESS

- L. Receive Mid-Year FY23 Budget Report and Consider Adoption of Resolution to Amend the FY 2022/23 Budget
- M. Review of Marina Enterprise Fund, Sierra Point Lighting and Landscaping District & Park Planning and Development Funds
- N. Receive Report on Measure K Funds from San Mateo County and Provide Directions to Staff on Next Steps
- O. Consider City appointment to the Bay Area Water Supply & Conservation Agency (BAWSCA) and Bay Area Regional Water System Financing Authority (RFA) Boards

STAFF REPORTS

- P. City Manager's Report on Upcoming Activities

MAYOR/COUNCIL MATTERS

- Q. Briefing on Senate Bill 423 (2023)
- R. Countywide Assignments and Subcommittee Reports
 - Public Art Advisory Committee (4/17) Cunningham, Davis
- S. Written Communications

ORAL COMMUNICATIONS NO. 2

ADJOURNMENT

D.

File Attachments for Item:

D. Approve Minutes of City Council Meeting of April 6, 2023



BRISBANE CITY COUNCIL

ACTION MINUTES

CITY COUNCIL MEETING

THURSDAY, APRIL 6, 2023

HYBRID MEETING, 50 PARK PLACE, BRISBANE, CA 94005

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Davis called the meeting to order at 7:34 P.M. and led the Pledge of Allegiance.

ROLL CALL

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

Councilmembers absent: None

Staff Present: City Manager Holstine, City Clerk Padilla, City Attorney McMorro, Finance Director Yuen, Community Development Director Swiecki, City Engineer Breault, Deputy Public Works Director Kinser, Police Commander Garcia, Communications Manager Cheung, Human Resources Administrator Partin, Assistant Engineer Santoyo-Velasquez, and Administrative Analyst Ibarra

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

No Councilmembers made any requests at this meeting.

REPORT OUT OF CLOSED SESSION

City Attorney McMorro reported that updates were provided to Council, legal counsel was given direction and no action was taken at Closed Session regarding Item D.

ADOPTION OF AGENDA

Councilmember O'Connell made a motion, seconded by Councilmember Cunningham to adopt the agenda as it stands. The motion is carried unanimously by all present.

Noes: None

Absent: None

Abstain: None

ORAL COMMUNICATIONS NO. 1

Michael Barnes spoke about the need to change the implementation guidelines of the Public Art Advisory Committee and to remove elected officials from the committee as a best practice.

CONSENT CALENDAR

- B. Approve Minutes of City Council Meeting of March 2, 2023**
- C. Approve Minutes of City Council Meeting of March 16, 2023**
- D. Approve Minutes of City Council Special Meeting of March 21, 2023**
- E. Accept Investment Report as of January 2023**
- F. Accept Investment Report as of February 2023**
- G. Approve Resolutions Establishing the Classification of Building Permit Technician and Amending the Master Pay Schedule**
- H. Approve the Settlement Agreement with BRE SH Brisbane Owner LLC (the operator of the Homewood Suites Hotel in Sierra Point)**
- I. Adopt Resolutions for Inclusion, Diversity, Equity and Accountability Committee and the Public Art Advisory Committee Appointments**
- J. Approve a Resolution in Support of SB 252 (Gonzalez) Fossil Fuel Divestment Act**
- K. Introduce an Ordinance, Waiving First Reading, Amending Various Sections of the Brisbane Municipal Code Concerning Building Efficiency Program**

(It is being recommended to introduce an Ordinance amending various sections of Chapter 15.77 of the Brisbane Municipal Code concerning Building Efficiency Program, including the finding that the introduction and adoption of the Ordinance is not subject to further review under the California Environmental Quality Act (CEQA) because it is not a "project". (CEQA Guidelines, Section 15378 (b)(2))

Councilmember Mackin asked staff to bring back Consent Calendar Item B for minor revisions.

Councilmember O'Connell made a motion, seconded by Councilmember Cunningham to adopt Consent Calendar Items C-K. The motion is carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

AWARDS AND PRESENTATIONS

L. Administering the Oath of Office for Newly Appointed City Committee Members

City Clerk Padilla administered the oath of office for the newly appointed committee members, namely:
Inclusion, Diversity, Equity and Accountability Committee: Miyoko Nida, Anna Dennis and Ashley Budelli
Public Art Advisory Committee: Camille Salmon, Diane Glazman and Danielle Kellstedt.

PUBLIC HEARING

M. Consider Adoption of a Resolution for Water and Sewer Rate Increase

(Council will consider a Resolution increasing the charges for water and sewer services and setting the discount rate for the city's low-income rate assistance plan at 25% for all services.)

Carolina Yuen, Finance Director and Catherine Tseng, from Lechowicz and Tseng Municipal Consultants—the City's water and sewer rates study consultants, presented on the background of the policy and how the City arrived at the water and sewer service rate increases and setting the discount rate for the city's low-income rate assistance plan at 25% for all services. At the time of the hearing 12 protests letters were received by staff.

After council questions, Mayor Davis opened the public hearing noting that Council will consider continuing the public hearing to April 20 but will allow anyone who is here to speak on the item or to turn in written protests to do so.

Deb Horen commented that this type of fee extension should trigger a vote

Diana Sosa shared that it will be helpful to see monthly charge and expressed that community members are experiencing sticker shock.

Prem Lall commented that it is unacceptable that protests were not accepted via emails or faxes.

Michele Salmon commented that no one wants this increase but understands why we have to bite the bullet this time.

Deb Horen asked the Council to look at that flat charge and reconsider the increase.

Mayor Davis made a motion, seconded by Karen Cunningham, to continue the public hearing to April 20. The motion is carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Mayor Davis added that protests concerning the rate increase must be in writing and must be delivered in person or be sent by mail to the City of Brisbane City Clerk, 50 Park Place, Brisbane, CA 94005. All written protests must be received by the City before the close of the public hearing. No protests will be accepted if sent via email, text, fax or other electronic means.

NEW BUSINESS

N. Update on Proposed Residential Parking Permit Program for Central Brisbane

(The purpose of this item is to present Council with Complete Streets Safety Committee's (CSSC) residential parking permit program recommendation to address the complex parking scarcity issue in Central Brisbane. It is being recommended to adopt CSSC recommended parking permit program guidelines and/or provide direction to staff.)

Karen Kinser, Deputy Director of Public Works, and Tomas Santoyo, Assistant Engineer, reported on the Complete Streets Safety Committee's (CSSC) residential parking permit program recommendation in Central Brisbane. The discussion items included:

- The program will be in effect throughout Central Brisbane, including Visitacion Ave., excluding private roads and the backside of San Bruno Ave, for which no street parking exists.
- Each household (address) may apply for and receive up to two permits. Accessory dwelling units (ADUs) may be issued one additional permit.
- Guest parking should be included in a program, but CSSC did not decide upon a specific recommendation on the number to be allowed. Staff suggests 14 permits per year per household, and 7 per year for ADUs. Guest parking would be allowed whether the household obtains year-round parking permits or not.
- The permit program hours are recommended to be between 10PM-7AM, Sunday-Thursday. The program will also not be enforced on City recognized holidays.
- The program would include a reduced permit fee for qualifying low-income residents. The first year of the program is recommended to be free of charge.
- Implementation of a parking permit program should be subject to a public advisory vote.

After council questions, members of the public were invited to make public comment:

Clerk Padilla read Sherry Goodwin's correspondence stating that she is against the parking permit program.

Michele Salmon is not in favor of the parking permit program. We have not done a good job in enforcing parking for the 72 hour rule.

Deb Horen shared that enforcing the rules we do have does not work because sometimes you get harassed. There are many options.

Mike Chandlee objects to selective enforcement and noncodified exceptions.

Leslie Davis is opposed to this parking permit program one reason that it hurts multigenerational f

Diana Sosa commented that every other weekend she sees people using Brisbane for long term airport parking.

Michele Salmon asked how long it takes to run a license plate to cut down on airport parking.

Linda Dettmer commented via text that the first year is a way to find the glitches and considered a living roll out.

During council discussion, Leesa Greenlee commented that we need signage for and like the sticker approach. This hurts multigenerational families.

After further Council discussion, Mayor Davis made a motion, seconded by Councilmember O'Connell, to extend the meeting until 10:50 pm. The motion is carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Council directed staff to return to a future council meeting, after discussion with Complete Streets Safety Committee, and provide more information to the Council particularly about the public advisory vote.

STAFF REPORTS

O. City Manager's Report on Upcoming Activities

i. Update on Tree Maintenance Program

Due to the lateness of the hour, the City Manager report was moved to a future City Council meeting.

MAYOR/COUNCIL MATTERS

P. Countywide Assignments and Subcommittee Reports

-Public Art Advisory Committee	Monday, 3/20 4:30pm	Cunningham, Davis
-Infrastructure Subcommittee	Tuesday, 3/21 2:30pm	Lentz, Mackin

Councilmembers reported on their latest county assignment meeting and subcommittee activities.

Q. Written Communications

Council received the following written correspondence between 3/17/23-4/6/23:

- Prem Lall (4/5/23) False Citation of Proposition 218 by the City of Brisbane (correspondence for 4/6/2023 City Council Meeting)
- Beth Grossman and Storrs Hoen (4/5/23) Water Bill Increases on the Agenda this Week
- Prem Lall (3/29/23) Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023
- Michele Salmon (3/29/23) Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023
- Prem Lall (3/29/23) Response to Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023
- Jeffrey Tong (3/29/23) HYPOCRISY of San Mateo County - Sustainable San Mateo County / Earth Year 2023
- Clara Johnson (3/29/23) Objection to holding a Public Hearing on Water and Sewer Rates on April 6, 2023
- Michael Barnes (3/20/23) On-line agendas
- Jeffrey Tong (3/18/23) Spring 2023 is here
- Clara Johnson (3/17/23) Correction to "Inaccurate description of posting of Baylands Specific Plan," draft

ORAL COMMUNICATIONS NO. 2

No members of the public wished to speak.

ADJOURNMENT

Mayor Davis adjourned the meeting at 11:51 P.M.

Ingrid Padilla, City Clerk

E.

File Attachments for Item:

E. Approve Minutes of City Council Closed Session Meeting of April 20, 2023



BRISBANE CITY COUNCIL**ACTION MINUTES**

BRISBANE CITY COUNCIL CLOSED SESSION MEETING**THURSDAY, APRIL 20, 2023***HYBRID MEETING, 50 PARK PLACE LARGE CONFERENCE ROOM,
BRISBANE, CA***7:15 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. Liability Claim: Claimant State Farm (Khan), pursuant to Government Code, section 54956.95**

Mayor Davis called the meeting to order at 7:15 P.M.

Councilmember Cunningham made a motion, seconded by Councilmember O'Connell to approve the agenda as it stands. The motion was carried unanimously by all present.

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

Noes: None

Absent: None

Abstain: None

Mayor Davis adjourned the meeting into Closed Session.

REPORT OUT OF CLOSED SESSION

City Attorney McMorro reported that direction was given to staff pertaining to the liability claim.

ADJOURNMENT

The meeting was adjourned at 7:20 P.M.

Ingrid Padilla, City Clerk

File Attachments for Item:

F. Adopt an Ordinance, Waiving Second Reading, Conforming Sewer Service and Water Service Charges to Charges Approved by City Council on April 20, 2023

**MEMO****Meeting Date: May 4, 2023****From: Ingrid Padilla, City Clerk****Subject: Adopt Ordinance, Waiving Second Reading,
Conforming Sewer Service and Water Service Charges to
Charges Approved by City Council on April 20, 2023**

The Ordinance listed above was introduced at the City Council Meeting of April 20, 2023 and is on this agenda for consideration of adoption.

Attachment 1: Staff Report from the City Council Meeting of April 20, 2023



CITY COUNCIL AGENDA REPORT

Meeting Date: April 20, 2023

From: Carolina Yuen, Finance Director

Subject: Ordinance Conforming Sewer Service and Water Service Charges to Charges Approved by City Council on April 20, 2023

Community Goal/Result

Safe Community

Fiscally Prudent

Recommendation

Introduce Ordinance ____ conforming provisions in the Brisbane Municipal Code to the sewer and water charges City Council has adopted by resolution on April 20, 2023 including (a) annual increase of 9% through 2026/2027 in the water fixed charge, (b) annual increase of 7% annually through 2027/2028 in the water usage rate, and (c) 25% annual increase through 2027/2028 in sewer charges, setting the discount rate for the City's Low Income Rate Assistance (LIRA) Plan to 25% for all services, and finding that no further environmental review is required because increasing water and sewer rates is not project under the California Environmental Quality Act (CEQA). CEQA Guidelines, Section 15378 (b) (2) and (b)(4).

Background

At its meeting on April 20, 2023, City Council, following a public hearing, adopted a resolution establishing revised sewer service and water service charges.

The Brisbane Municipal Code, at Sections 13.08.020 and 13.12.020, set forth, respectively, the City's sewer service and water service charges. Those sections were last amended in 2011 and do not reflect the actual service charges that were in effect either before City Council action on April 20 or after that action. The Code does provide, however, rates beyond those set forth in the Code may be increased in accordance with the procedures for increasing property related charges and City Council has increased such charges in compliance with law. Nevertheless, the Municipal Code should be amended to reflect the revised charges as approved by the Council.

Discussion

This Ordinance will conform provisions in the Municipal Code concerning sewer service and water service charges to the charges Council adopted on April 20, 2023, including the 25% discount rate for those households participating in the Low Income Rate Assistance Program.

Significantly, the Ordinance also provides expressly that the City Council may, by resolution, reduce or cancel the rate increase for any particular year without jeopardizing the approved rate increase for the following year or years. See subsection D of Section 13.08.020 and subsection C of Section 13.12.020. For example, for residential customers, beginning June 15, 2025, the sewer service flat charge will be \$99.32 (from \$79.86) and the variable charge will be \$12.43 (from \$10.15). Council could elect not to impose those increases for June 2025 because, for example, a recession. Come June 2026, however, the June 2026 rates--\$123.54 for the flat charge and \$15.23 for the variable charge--would be effective, notwithstanding that the increased June 2025 rates had not been imposed.

The charges in the Ordinance, if adopted, will not go into effect until June 15, 2023, consistent with the effective date of the charges in the resolution.

The only other substantive change concerns appeals of sewer service or water service charges, for example if a customer believes such charges have been incorrectly calculated or the charges are not applicable to the premises for which the customer has been charged. Currently the initial appeal is to the City Manager and any appeal of the Manager's decision is to the City Council. Staff is recommending that the initial appeal be to the finance director and any appeal of the finance director's decision be to the City Manager, whose decision is final. This is consistent with how other, non-land use appeals are being handled, for example, appeals concerning tree removal permits. Moreover, these appeals rarely occur, are generally technical in nature, and should be resolved/handled at the staff level.

Fiscal Impact

The following samples of billings reflect the expected cost to the customers based on usage:

Sample Usage	Current Bill	Proposed Rates - effective June 15, 2023
4 units	Water Charge - \$22.67 Water Usage - \$14.80 Sewer Charge - \$80.11 Drought Reserve -\$2.32	Water Charge - \$33.35 Water Usage - \$18.89 Sewer Charge -\$97.36 Drought Reserve -\$2.32
10 units	Water Charge - \$22.67 Water Usage - \$60.18 Sewer Charge - \$106.67 Drought Reserve \$2.32	Water Charge-\$33.35 Water Usage - \$56.68 Sewer Charge - \$147.09 Drought Reserve -\$2.32

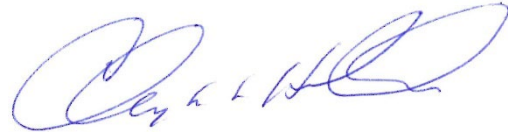
Environmental Review

Introduction and adoption of this Ordinance concerning conforming water and sewer rates is not subject to further environmental review under the California Environmental Quality Act

(CEQA) because it is a governmental fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and/or it is general policy and procedure activity and hence, under either situation, it is not a "project". CEQA Guidelines, Section 15378 (b) (2) and (4).

Carolina Yuen

Carolina Yuen, Finance Director



Clay Holstine, City Manager

Attachment: Ordinance _____

ORDINANCE NO. ____**AN ORDINANCE OF THE CITY OF BRISBANE AMENDING SECTIONS 13.08.020 AND 13.12.020
CONCERNING SEWER SERVICE AND WATER SERVICE CHARGES**

THE CITY COUNCIL OF THE CITY OF BRISBANE DOES ORDAIN AS FOLLOWS:

Section 1. Section 13.08.020 of the Brisbane Municipal Code is amended as follows:

“13.08.020 Sewer service charges established.

The amounts to be charged as sewer service charges for the use of the city sewer facilities are established and shall be effective as follows:

(Subsection A, no change.)

B. Calculation of Sewer Service Charges. Sewer service charges shall be based on a flat charge and a volume of wastewater discharged by individual premises. A flat charge is a charge to cover fixed costs associated with maintaining the ability or readiness to serve each connection. Volume shall be determined by the quantity of water consumption shown by the water meter serving the premises, subject, however, to the following exceptions:

(Paragraphs 1, 2, and 3, no change.)

C. Amount of charges. Sewer service charges shall be billed bimonthly. From and after June 15, 2023, the sewer service charges for each class of property shall be computed on each one hundred (100) cubic feet (ccf) of water consumption per user, as follows:

<i>Rate Effective Date:</i>	SEWER RATES				
	June 15, 2023	June 15, 2024	June 15, 2025	June 15, 2026	June 15, 2027
RESIDENTIAL (1)					
Flat Charge	\$64.20	\$79.86	\$99.32	\$123.54	\$153.66
Variable Charge (per ccf) (2)	\$8.29	\$10.15	\$12.43	\$15.23	\$18.67
COMMERCIAL					
Standard					
Flat Charge	\$64.20	\$79.86	\$99.32	\$123.54	\$153.66
Variable Charge (per ccf)	\$9.02	\$11.04	\$13.53	\$16.59	\$20.33
Medium					
Flat Charge	\$64.20	\$79.86	\$99.32	\$123.54	\$153.66
Variable Charge (per ccf)	\$11.12	\$13.61	\$16.68	\$20.45	\$25.07
Heavy					
Flat Charge	\$64.20	\$79.86	\$99.32	\$123.54	\$153.66
Variable Charge (per ccf)	\$13.21	\$16.18	\$19.83	\$24.32	\$29.81

(1) Residential bill is based on winter consumption (Oct, Nov, Dec & Jan)

(2) 1 ccf = 1 hundred cubic feet = 748 gallons

D. Rate Adjustments. For any individual year, the City Council may, by resolution, reduce or cancel the rate increases set forth in the tables in subsection C. Notwithstanding that rates may be

reduced or cancelled in any one year, the rates set forth in the tables in subsection C for the following year will go into effect unless the City Council by resolution also reduces or cancels such rate increases.

(Subsection E, no change.)

F. Low Income Rate Assistance. A low income rate assistance (LIRA) program is established for residential households who apply and qualify for a twenty five percent (25%) decrease in the sewer service charges on the following basis:

(Paragraphs 1 and 2, no change.)

G. Appeal of Sewer Service Charges

(Paragraph 1, no change.)

2. The finance director or designee is empowered to provide relief if the sewer service charge has been calculated using an erroneous use classification for the property or if substantial evidence is provided demonstrating that the actual winter average or the previous winter average water consumption (for residential customers) or the actual water consumption (for commercial customers) during the billing period covered by the disputed charge is less than the volume used for calculation of such charge.

3. The service customer may appeal the finance director's decision to the city manager by filing a notice of appeal with the city clerk within ten (10) days after the date on which the finance director's decision was rendered. The city manager's decision is final.

Section 2. Section 13.12.020 of the Brisbane Municipal Code is hereby amended as follows:

"13.12.020 Water service charges established.

The amounts to be charged as water service charges for the consumption of water provided by the City shall be as follows:

(Subsection A, no change.)

B. Amount of Water Service Charges. The bimonthly water service charges shall be as follows:

<i>Rate Effective Date:</i>	WATER RATES				
	June 15, 2023	June 15, 2024	June 15, 2025	June 15, 2026	June 15, 2027
FIXED CHARGES					
<u>Meter Size</u>					
5/8"	\$33.35	\$36.17	\$39.23	\$42.55	\$46.28
3/4"	\$33.35	\$36.17	\$39.23	\$42.55	\$46.28
1"	\$41.90	\$45.45	\$49.29	\$53.46	\$58.12
1-1/2"	\$63.29	\$68.65	\$74.44	\$80.75	\$87.72
2"	\$88.95	\$96.49	\$104.62	\$113.49	\$123.24
3"	\$157.37	\$170.73	\$185.10	\$200.79	\$217.96
4"	\$234.35	\$254.25	\$275.64	\$299.01	\$324.52
6"	\$448.19	\$486.25	\$527.14	\$571.85	\$620.52
CONSUMPTION CHARGES (per ccf) (1)					
<u>All Usage over 1 ccf</u>					
Tier 1: 1- 20 ccf	\$6.30	\$6.76	\$7.26	\$7.79	\$8.36
Tier 2: Over 20 ccf	\$12.65	\$13.47	\$14.34	\$15.27	\$16.25

(1) 1 ccf = 1 hundred cubic feet = 748 gallons

C. Rate Adjustments. For any individual year, the City Council may, by resolution, reduce or cancel the rate increases set forth in the tables in subsection B. Notwithstanding that rates may be reduced or cancelled in any one year, the rates set forth in the tables in subsection B for the following year will go into effect unless the City Council by resolution also reduced or cancels such rate increase.

(Subsection D, no change.)

E. Low Income Rate Assistance. A low income rate assistance (LIRA) program is established for residential households who apply and qualify for a twenty five percent (25%) decrease in the sewer service charges on the following basis:

(Paragraphs 1 and 2, no change.)

F. Appeal of Water Service Charges

(Paragraph 1, no change.)

2. The finance director or designee is empowered to provide relief if the water service charge has been calculated using an erroneous use classification for the property or if substantial evidence is provided demonstrating that the actual winter average or the previous winter average water consumption (for residential customers) or the actual water consumption (for commercial customers) during the billing period covered by the disputed charge is less than the volume used for calculation of such charge.

3. The service customer may appeal the finance director's decision to the city manager by filing a notice of appeal with the city clerk within ten (10) days after the date on which the finance director's decision was rendered. The decision of the city manager is final.

Section 3: CEQA Determination

Introduction and adoption of this Ordinance is not subject to further review under the California Environmental Quality Act (CEQA) because it is a continuing administrative activity of the city, namely general policy and procedure making and/or it is a governmental fiscal activity that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment and therefore in either case it is not a "project" under CEQA. CEQA Guideline, Section 15378 (b) (2) and (b) (4).

Section 4: Effective Date.

This Ordinance shall be effective June 15, 2023, more than thirty days after its final passage and adoption.

* * * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

Madison Davis, Mayor

Attest:

Ingrid Padilla, City Clerk

Approved as to form:



Thomas R. McMorrow, City Attorney

File Attachments for Item:

G. Adopt Resolution Establishing the 2023 Business License Tax for Liquid Storage Facilities as to Kinder Morgan/SFPP



CITY COUNCIL AGENDA REPORT

Meeting Date: May 4, 2023

From: Carolina Yuen, Finance Director

Subject: Resolution Establishing the 2023 Business License Tax for Liquid Storage Facilities as to Kinder Morgan/SFPP

Community Goal/Result

Fiscally Prudent
Economic Development

Purpose

To establish for calendar year 2023 the amount of the business license tax charged to Kinder Morgan/SFPP for its liquid storage facilities in Brisbane under Section 5.20.011 of the Brisbane Municipal Code.

Recommendation

Adopt the attached resolution imposing a business license tax in the amount of \$338,159 as to Kinder Morgan/SFPP for calendar year 2023.

Background

The City receives revenues from diverse sources in order to provide the necessary high-quality services the community expects.

At the general election in November 2013, Brisbane voters approved an annual business license tax on persons engaged in the business of operating, leasing, supplying or providing a liquid storage facility in the City of Brisbane. The ballot measure added Section 5.20.011 to the Brisbane Municipal Code, allowing the City to impose up to a maximum business license tax of \$115.28 per year for each 1,000 cubic feet of liquid storage capacity.

In 2014 and 2015, the City Council imposed by resolution a business license tax of \$38.91 for each 1,000 cubic feet of storage capacity. In 2016 and 2017, the Council imposed by resolution a business license tax of \$115.28 for each 1,000 cubic feet of storage capacity. As to Kinder Morgan/SFPP, LP, the owner of the only liquid storage facility currently in Brisbane, this rate translated to a tax of \$135,000 in 2014, \$135,000 in 2015, \$400,000 in 2016, and \$400,000 in 2017. The company paid the 2014, 2015 and 2016 fees under protest. The company did not pay the license tax for 2017 but filed a civil suit against the City in the San Mateo County Superior Court seeking reimbursement for the taxes paid in 2014, 2015 and 2016.

The litigation was settled in 2017. Under the terms of the settlement agreement, the City and Kinder Morgan/SFPP agreed that for 2017, the liquid fuel storage tax rate would be set by the Brisbane City Council at an amount that is equivalent to 3.5 cents per barrel of liquid fuel transported through the Brisbane Terminal for delivery at the terminal or “over the rack” (\$261,091), that for 2018, the tax rate would be equivalent to 4 and 1/3 cents per barrel (\$323,332) and for 2019, the tax rate would be 5 and 1/3 cents per barrel (\$356,458).

The settlement agreement also provided that at the November 2019 municipal election, Council would place before the voters a revision to the then current business license tax concerning liquid storage facilities that would provide that the tax rate will be up to 6 cents per barrel, with the exact rate to be determined annually by the Council. If the voters so approved, that liquid storage tax formula would then be applied for subsequent years, but in no event would the tax be greater than \$400,000. The voters approved the revision to the business license tax as described.

Since 2020, Kinder Morgan/SFPP has reported the following number of over the rack barrels and accordingly has paid the business license tax as set forth below:

2020 - \$400,000 maximum allowed based on 8,326,342 barrels from 2019

2021 - \$288,586 based on 4,809,771 barrels from 2020

2022 - \$324,327 based on 5,405,448 barrels from 2021

Discussion

Kinder Morgan/SFPP has provided the City with information that in 2022 there were 5,635,991 barrels “over the rack.” The ordinance provides the tax rate may be up to 6 cents per barrel, with a business license cap of \$400,000. Adoption of the attached resolution will set the tax rate at 6 cents per barrel and impose for 2023 a business license tax for Kinder Morgan/SFPP of \$338,159.

Fiscal Impact

As to Kinder Morgan/SFPP, Council’s adoption of the attached resolution will result in a business license tax of \$338,159 for calendar year 2023.

Measure of Success

Kinder Morgan/SFPP to make a payment of \$338,159 to the City for 2023.

Attachment - Resolution Establishing the Business License Tax to Kinder Morgan/SFPP LLC for Calendar Year 2023.

Carolina Yuen

Carolina Yuen, Finance Director

Clayton L. Holstine

Clay Holstine, City Manager

RESOLUTION NO. 2023-_____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
ESTABLISHING THE BUSINESS LICENSE TAX CHARGED TO KINDER
MORGAN/SFPP LLC FOR CALENDAR YEAR 2023 UNDER SECTION
5.20.011 OF THE BRISBANE MUNICIPAL CODE**

WHEREAS, Section 5.20.011 of the Brisbane Municipal Code imposes an annual business license tax on persons engaged in the business of operating, leasing, supplying or providing a liquid storage facility in the City; and

WHEREAS, Kinder Morgan/SFPP LLC, a business in Brisbane engaged in the business of operating, leasing, supplying or providing a liquid storage facility, and the City have agreed that for calendar year 2023 the liquid fuel storage tax will be set by the City Council based on a formula in an amount of six cents per barrel of liquid fuel transported throughout the Brisbane Terminal for delivery at the terminal (“over the rack”) during calendar year 2022; and

WHEREAS, Kinder Morgan/SFPP LLC provided data to the City indicating that the number of barrels “over the rack” for calendar year 2022 was 5,635,991; and

WHEREAS, the Section 5.20.011 provides the City Council may set a tax rate for these facilities up to six cents per barrel, so long as the overall tax amount does not exceed \$400,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRISBANE AS FOLLOWS:

1. For 2023, the City Council sets the business license tax rate for the Kinder Morgan/SFPP liquid storage facility in Brisbane at six cents per barrel and the annual business license tax charged to Kinder Morgan/SFPP LLC for 2023 shall be \$338,159.

2. Payment of the business license taxes for 2023 shall be due and payable in full by July 31, 2023.

Madison Davis, Mayor

I hereby certify that the foregoing Resolution No. 2023-_____ was duly and regularly adopted at a regular meeting of the Brisbane City Council on May 4, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ingrid Padilla, City Clerk

File Attachments for Item:

H. Approve Solid Waste Collection Rate Adjustment – South San Francisco Scavenger Company
(It is being recommended to receive So. San Francisco Scavenger's 2023 rate increase of 3.90%.)



CITY COUNCIL AGENDA REPORT

Meeting Date: May 5, 2023

From: Director of Public Works/City Engineer

Subject: Solid Waste Collection Rate Adjustment

Community Goal/Result: Ecological Sustainability

Purpose: To review rate adjustments submitted by one of the city's solid waste franchisees.

Recommendation: Receive South San Francisco Scavenger's 2023 rate increase of 3.90%.

Background

The city has two Franchise Agreements dated November 20, 2014 for the provision of waste collection services, one with South San Francisco Scavenger Company (Scavenger) in Solid Waste Collection Zones 1(A&B) and 2, and one with Recology Brisbane in Solid Waste Collection Zone 3. Both agreements have language specifying under what conditions a rate increase may occur.

Discussion

Scavenger did submit a request for rate increase; their proposed rates were reviewed by staff and found to be in accordance with their franchise agreement. Pursuant to each agreement, "... not later than June 30th of the year of the Notice of Intention, the City Council shall act upon the new maximum rates as appropriate, with any new maximum rates to become effective on July 1st of the same year."

The rate increase for this year is 3.90%. Last year's approved rate increase was 5.19%.

With the company completing their calculation per the agreement, there is no discretionary action for the Council to take.

Fiscal Impact


The effective date of the new rates is July 1, 2023.


Measure of Success

Compliance with the previously agreed upon terms and conditions for rate adjustments.

Attachments

1. Scavenger's letter of 4/29/23 and redacted rate adjustment language
2. Solid Waste Collection Zone Maps


Randy Breault, Public Works Director


Clay Holstine, City Manager

SOUTH SAN FRANCISCO
SCAVENGER
— COMPANY, INC. —

March 29, 2023

Director Randy Breault, P.E.
Public Works-Marina Services-Emergency Services
City of Brisbane
50 Park Lane
Brisbane, CA 94005

Dear Director Breault,

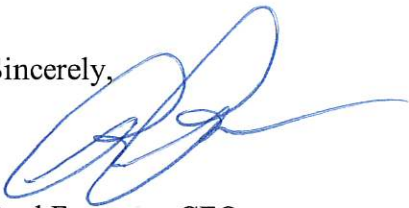
In accordance with the terms of Section 6.2 of the Franchise Agreement, please accept this letter as the required Notice of Intent to adjust the current rates in Brisbane.

We are applying for a rate adjustment equal to 80% of the change in the Consumer Price Index for Urban Wage Earners and Clerical Workers, as described in section 6.2. The calculation for this year yields an increase of 3.90%.

Copies of the calculation, the relevant CPI data, and a proposed rate schedule, are attached for your consideration. The new rates will take effect July 1, 2023, if approved.

Thank you for your consideration of this matter. If you have any questions, please contact me at (650) 589-4020 at your earliest convenience. We are, of course, available to meet with you to discuss any concerns or issues, at your convenience.

Sincerely,



Paul Formosa, CFO
South San Francisco Scavenger Co., Inc.

South San Francisco Scavenger Co.

City of Brisbane

Rate Computation
March 31, 2023

CPI Index February 2022	316.463
CPI Index February 2023	331.875
Numerical change	15.412
Percentage change	4.87%
80% of change	3.90%

Index Used -

Consumer Price Index
Urban Wage Earners and Clerical Workers
San Francisco-Oakland-Hayward, CA
All Items
1982-84 = 100
New Series ID - CWURS49BSAO
Previous Series ID - CWURA422SAO
(replaced as of January 2018)

H.



U.S. BUREAU OF LABOR STATISTICS

Databases, Tables & Calculators by Subject

Change Output Options: From: 2013 ▼ To: 2023 ▼ GO

☐ include graphs ☐ include annual averages

[More Formatting Options](#) ➡

Data extracted on: March 17, 2023 (6:52:08 PM)

CPI for Urban Wage Earners and Clerical Workers (CPI-W)

Series Id: CWURS49BSA0,CWUSS49BSA0

Not Seasonally Adjusted

Series Title: All items in San Francisco-Oakland-Hayward, CA, urban wage earners and clerical workers, not seasonally adjusted

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2013		240.262		241.764		243.052		242.903		243.711		242.602	242.125	241.141	243.109
2014		245.148		247.932		250.085		249.877		250.508		247.680	248.326	247.097	249.555
2015		249.809		252.875		254.736		256.060		256.107		255.492	253.910	252.041	255.780
2016		257.141		259.386		261.017		262.326		264.026		263.222	260.830	258.715	262.946
2017		265.569		268.896		269.508		269.827		271.272		271.342	268.990	267.426	270.555
2018		275.699		278.039		280.219		281.536		283.183		283.278	279.572	277.035	282.110
2019		284.758		288.266		288.581		288.514		291.707		289.456	288.192	286.615	289.770
2020		292.010		290.304		292.420		293.062		294.442		295.687	292.601	291.297	293.906
2021		297.170		302.294		304.971		307.423		309.656		312.019	304.602	300.275	308.928
2022		316.463		322.021		328.137		325.932		329.331		326.465	323.900	320.408	327.391
2023		331.875													

U.S. BUREAU OF LABOR STATISTICS Postal Square Building 2 Massachusetts Avenue NE Washington, DC 20212-0001

Telephone: 1-202-691-5200 Telecommunications Relay Service: 7-1-1 www.bls.gov [Contact Us](#)

**SOUTH SAN FRANCISCO SCAVENGER, INC.
RATES AND CHARGES EFFECTIVE JULY 1, 2023
CITY OF BRISBANE, CALIFORNIA**

		Current Rates	Proposed change	Proposed Maximum Rates
1. RESIDENTIAL PROPERTY SERVICE -				
Single family, and up to four units. As per section 2.13				
Rate is per month, one pickup per week				
Includes 64 gallon weekly curbside recycling toter service				
Includes weekly mixed organic materials / yardwaste toter service				
20	Gallon Trash Toter	25.78	3.90%	26.79
32	Gallon Trash Toter	41.24	3.90%	42.85
64	Gallon Trash Toter	82.48	3.90%	85.70
2. COMMERCIAL AND MULTIPLE UNIT RESIDENTIAL PROPERTY CAN SERVICE-				
Multiple Unit Residential Property, 5 or more units, as per section 2.14				
Rate is per month, one pickup per week, for Solid Waste				
and / or Source Separated Organic Materials				
Includes Source Separated Recyclable Materials				
0 - 30	Gallons	35.64	3.90%	37.03
31 - 32	Gallons	38.06	3.90%	39.54
33 - 40	Gallons	47.49	3.90%	49.34
41 - 45	Gallons	53.52	3.90%	55.61
46 - 50	Gallons	65.33	3.90%	67.88
51 - 64	Gallons	76.03	3.90%	79.00
3. COMPACTED YARDAGE				
Residential, Multi Unit Residential, Commercial, Industrial Customers				
Per Cubic Yard, per pickup		75.34	3.90%	78.28
4. DEBRIS BOXES				
Temporary / One Time Use				
Residential, Multi Unit Residential, Commercial, Industrial Customers				
Rate is for each pickup				
5 yard	Container, 1 ton limit	322.87	3.90%	335.46
7 yard	Container, Dirt - Rock - Concrete	704.92	3.90%	732.41
14 yard	Container, 3 ton limit	704.92	3.90%	732.41
20 yard	Container, 5 ton Limit	959.59	3.90%	997.01
30 yard	Container, 6 ton limit	1,384.10	3.90%	1,438.08
Rental Charge (per day, over 3 days for 5 yard				
and over 7 days for others)				
		31.80	3.90%	33.04

**SOUTH SAN FRANCISCO SCAVENGER, INC.
RATES AND CHARGES EFFECTIVE JULY 1, 2023
CITY OF BRISBANE, CALIFORNIA**

		Current Rates	Proposed change	Proposed Maximum Rates
4. DEBRIS BOXES (continued)				
Permanent Commercial and Industrial use				
7 yard	Container, Dirt - Rock - Concrete	594.31	3.90%	617.49
14 yard	Container, 3 ton limit	594.31	3.90%	617.49
20 yard	Container, 5 ton Limit	849.08	3.90%	882.19
30 yard	Container, 6 ton limit	1,273.64	3.90%	1,323.31
Overweight Charge				
Per ton over limit		183.85	3.90%	191.02
5. CONTAINER SERVICE				
Residential, Multi Unit Residential, Commercial, Industrial Customers				
Rate is per month, one pickup per week, for Solid Waste				
and / or Source Separated Organic Materials				
Includes Source Separated Recyclable Materials				
A) Regular Pickup (Rate per month, one pickup per week)				
1/2 - yard (96 gal)	Container	152.30	3.90%	158.24
1 - yard	Container	304.58	3.90%	316.46
2 - yard	Container	375.62	3.90%	390.27
3 - yard	Container	563.40	3.90%	585.37
4 - yard	Container	751.08	3.90%	780.37
5 - yard	Container	938.87	3.90%	975.49
6 - yard	Container	1,126.65	3.90%	1,170.59
B) On Call Pick-up Per yard				
Per pick-up, per yard		43.39	3.90%	45.08
Plus Container Rental per Month				
Rental charges (per month)				
1 - yard	Container	67.78	3.90%	70.42
2 - yard	Container	73.29	3.90%	76.15
3 - yard	Container	78.80	3.90%	81.87
4 - yard	Container	84.67	3.90%	87.97
5 - yard	Container	95.85	3.90%	99.59
6 - yard	Container	101.73	3.90%	105.70

**SOUTH SAN FRANCISCO SCAVENGER, INC.
RATES AND CHARGES EFFECTIVE JULY 1, 2023
CITY OF BRISBANE, CALIFORNIA**

6. In the case of any additional service not described in the Agreement, Scavenger Company shall charge such amount as is agreed to by the customer.

7. Trash Container Management Policy (TCMP) Fees

Fees allowed pursuant to approved policy required per Section 5.1 of the November 20, 2014 Franchise Agreement

Container Size	ADMIN FEE			EXTRA TRIP FEE		
	Current Rate	Proposed Change	Proposed Rate	Current Rate	Proposed Change	Proposed Rate
20 gallon	\$30.00	0%	\$30.00	\$0.00	0%	\$0.00
32 gallon	\$30.00	0%	\$30.00	\$0.00	0%	\$0.00
40 gallon	\$30.00	0%	\$30.00	\$0.00	0%	\$0.00
45 gallon	\$30.00	0%	\$30.00	\$0.00	0%	\$0.00
45 gallon	\$30.00	0%	\$30.00	\$0.00	0%	\$0.00
55 gallon	\$30.00	0%	\$30.00	\$0.00	0%	\$0.00
64 gallon	\$30.00	0%	\$30.00	\$0.00	0%	\$0.00
96 gallon	\$30.00	0%	\$30.00	\$0.00	0%	\$0.00
1 yard	\$30.00	0%	\$30.00	\$70.29	3.90%	\$73.03
1.5 yard	\$30.00	0%	\$30.00	\$105.44	3.90%	\$109.54
2 yard	\$30.00	0%	\$30.00	\$86.68	3.90%	\$90.06
3 yard	\$30.00	0%	\$30.00	\$130.02	3.90%	\$135.09
4 yard	\$30.00	0%	\$30.00	\$173.33	3.90%	\$180.09
5 yard	\$30.00	0%	\$30.00	\$216.66	3.90%	\$225.11
6 yard	\$30.00	0%	\$30.00	\$260.00	3.90%	\$270.14

Maximum fee consists of Admin Fee plus Extra Trip Fee for containers 1 yard and up.

Residential, Multi Unit Residential, Commercial, Industrial Customers

Trash Container Monitoring Fees per Amendment to TCMP

Fees allowed pursuant to approved policy and to allow for compliance with new law as required by Section 7 of the November 20, 2014 Franchise Agreement, specifically, to enforce source separation required by BMC 8.25.030 B.1.a and 8.25.040 B.1.a

Container Size	ADMIN FEE			EXTRA TRIP FEE			SOURCE SEPARATION FEE		
	Current Rate	Proposed Change	Proposed Rate	Current Rate	Proposed Change	Proposed Rate	Current Rate	Proposed Change	Proposed Rate
20 gallon	-	-	\$30.00	-	-	\$11.00	-	-	\$30.00
32 gallon	-	-	\$30.00	-	-	\$11.00	-	-	\$30.00
40 gallon	-	-	\$30.00	-	-	\$14.00	-	-	\$30.00
45 gallon	-	-	\$30.00	-	-	\$15.00	-	-	\$30.00
55 gallon	-	-	\$30.00	-	-	\$19.00	-	-	\$30.00
64 gallon	-	-	\$30.00	-	-	\$22.00	-	-	\$30.00
96 gallon	-	-	\$30.00	-	-	\$33.00	-	-	\$30.00
1 yard	-	-	\$30.00	\$70.29	3.90%	\$73.03	-	-	\$30.00
1.5 yard	-	-	\$30.00	\$105.44	3.90%	\$109.54	-	-	\$45.00
2 yard	-	-	\$30.00	\$86.68	3.90%	\$90.06	-	-	\$60.00
3 yard	-	-	\$30.00	\$130.02	3.90%	\$135.09	-	-	\$60.00
4 yard	-	-	\$30.00	\$173.33	3.90%	\$180.09	-	-	\$120.00
5 yard	-	-	\$30.00	\$216.66	3.90%	\$225.11	-	-	\$150.00
6 yard	-	-	\$30.00	\$260.00	3.90%	\$270.14	-	-	\$180.00

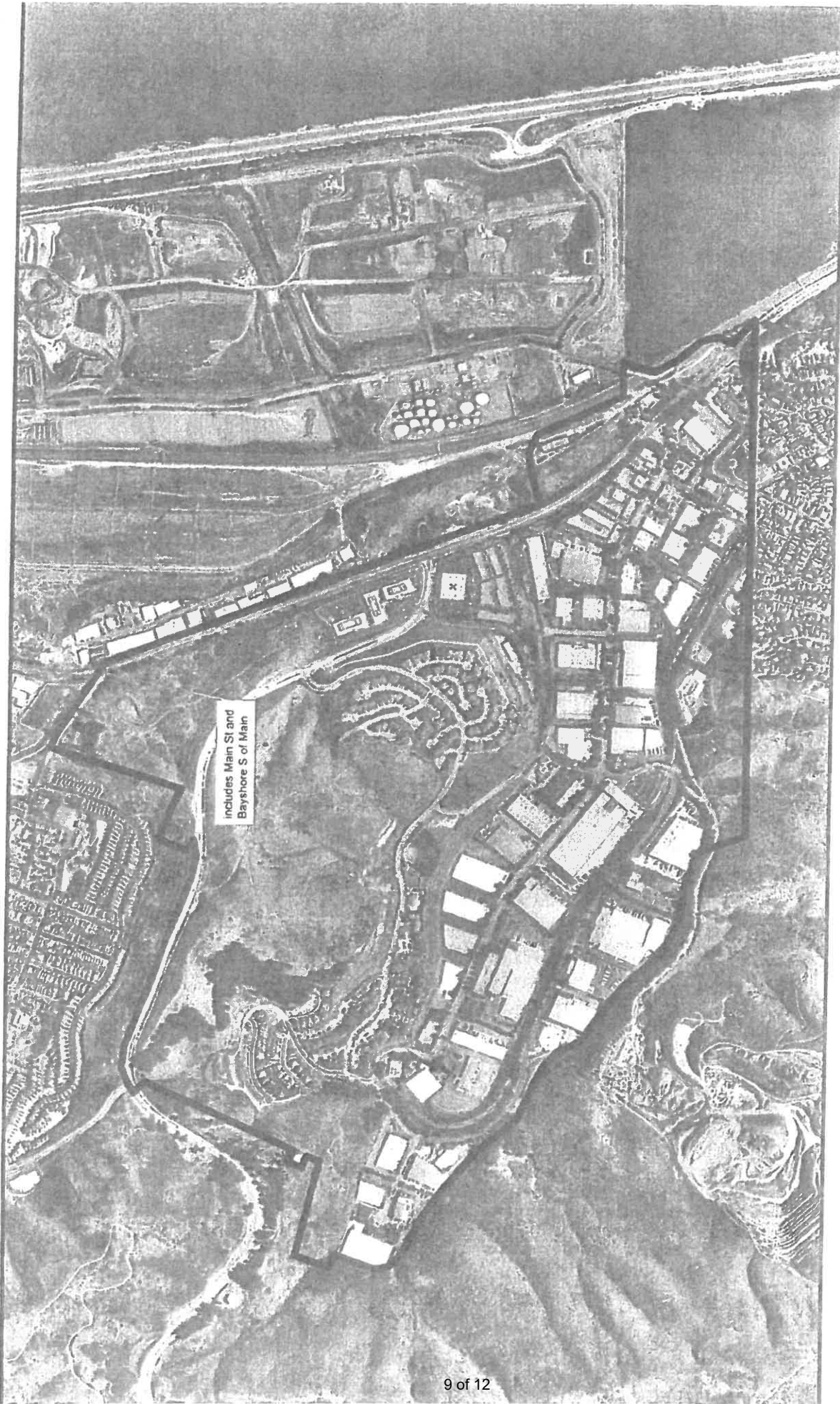
- I. When service of any container is delayed due to contamination and then corrected, no extra fees will apply if collected on next regular service day.
- II. When service of any container is delayed due to contamination, and then corrected, and return trip is requested prior to next pickup day, the Admin Fee will apply.
- III. When container is contaminated, and customer requests to empty the contents as is, the Extra Trip Fee and Source Separation Fee will apply.

South San Francisco Scavenger Company Rates and Adjustments Thereto

6.1 Establishment of Rates. The maximum service rates specified in Exhibit B to this Agreement have been agreed upon by City and Scavenger Company and shall take effect on the effective date of the franchise as set forth in Section 3 above. Such maximum service rates shall be subject to review and revision as set forth in Section 4.1 above, Sections 6.2, 6.3 and 6.4 below and other relevant provisions of this Agreement. Scavenger Company shall not charge any amount in excess of the approved rates for services required by or permitted under this Agreement.

6.2 Modification Based on Consumer Price Index. The maximum rates specified under this Agreement shall be adjusted July 1st every year (beginning in 2016, but excluding the year 2015 and every third year thereafter) by an amount equal to eighty percent (80%) of the percentage change, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers, as published and maintained by the United States Bureau of Labor Statistics for the San Francisco-Oakland Metropolitan Area (1982-84=100), for the prior year, using the Index most recently published before March 31st of such year and before the prior March 31st. For example, if the Index should decrease by two percent (2%) as of March 31, 2016 as compared with March 31, 2015, each of the maximum rates set forth on Exhibit B, as previously adjusted, would be decreased as of July 1, 2016 by one and six-tenths percent (1.6%) [negative .02 multiplied by .8]. Likewise, if the Index should increase by three percent (3%) as of March 31, 2019 as compared with March 31, 2018, each of the maximum rates set forth on Exhibit B, as previously adjusted, would be increased as of July 1, 2019 by two and four-tenths percent (2.4%) [.03 multiplied by .8]. The procedure for rate adjustments under this Section 6.2 shall be as follows:

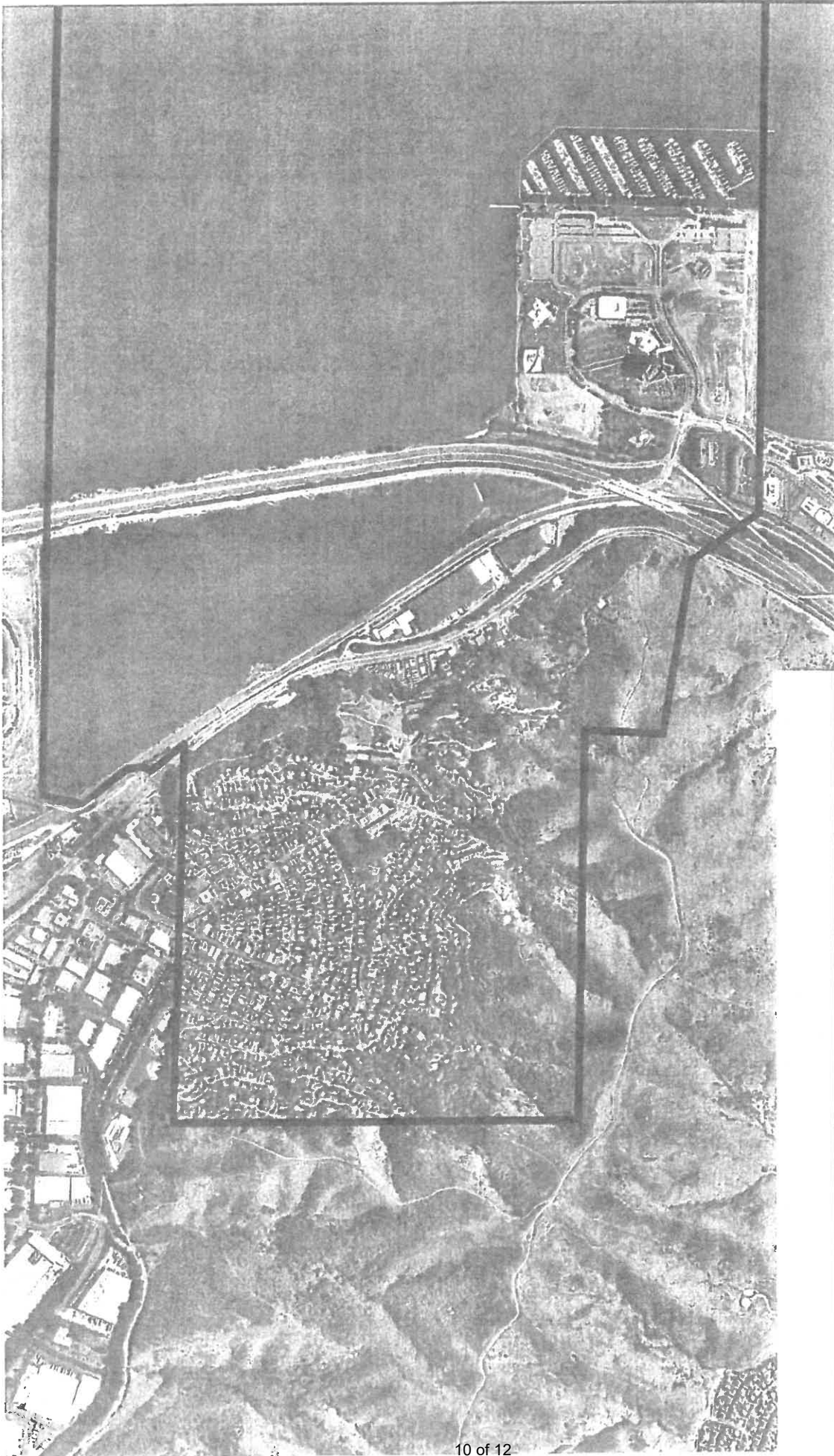
- (a) Not later than March 31st of each year that is subject to a rate adjustment under this Section 6.2, Scavenger Company shall file with City a written Notice of Intention to increase each of the then current rates effective as of July 1st of the same year in accordance with the above-specified formula, if Scavenger Company believes such an increase to be called for, or City shall provide to Scavenger Company a written Notice of Intention to decrease each of the then current rates effective as of July 1st of the same year in accordance with the above-specified formula, if City believes such a decrease to be called for.
- (b) Within thirty (30) days of the filing of the Notice of Intention, the City Manager shall review the Notice of Intention with Scavenger Company, and either confirm that the proposed rates are within the limit of Section 6.2(a) above or establish by mutual agreement with Scavenger Company any necessary changes to the proposed maximum rates to make such confirmation.
- (c) The City Manager shall immediately inform the City Council in writing of the new maximum rates determined in accordance with this Section 6.2 and, not later than June 30th of the year of the Notice of Intention, the City Council shall act upon the new maximum rates as appropriate, with any new maximum rates to become effective on July 1st of the same year.



City of Brisbane
Solid Waste Collection Zone
1 - A



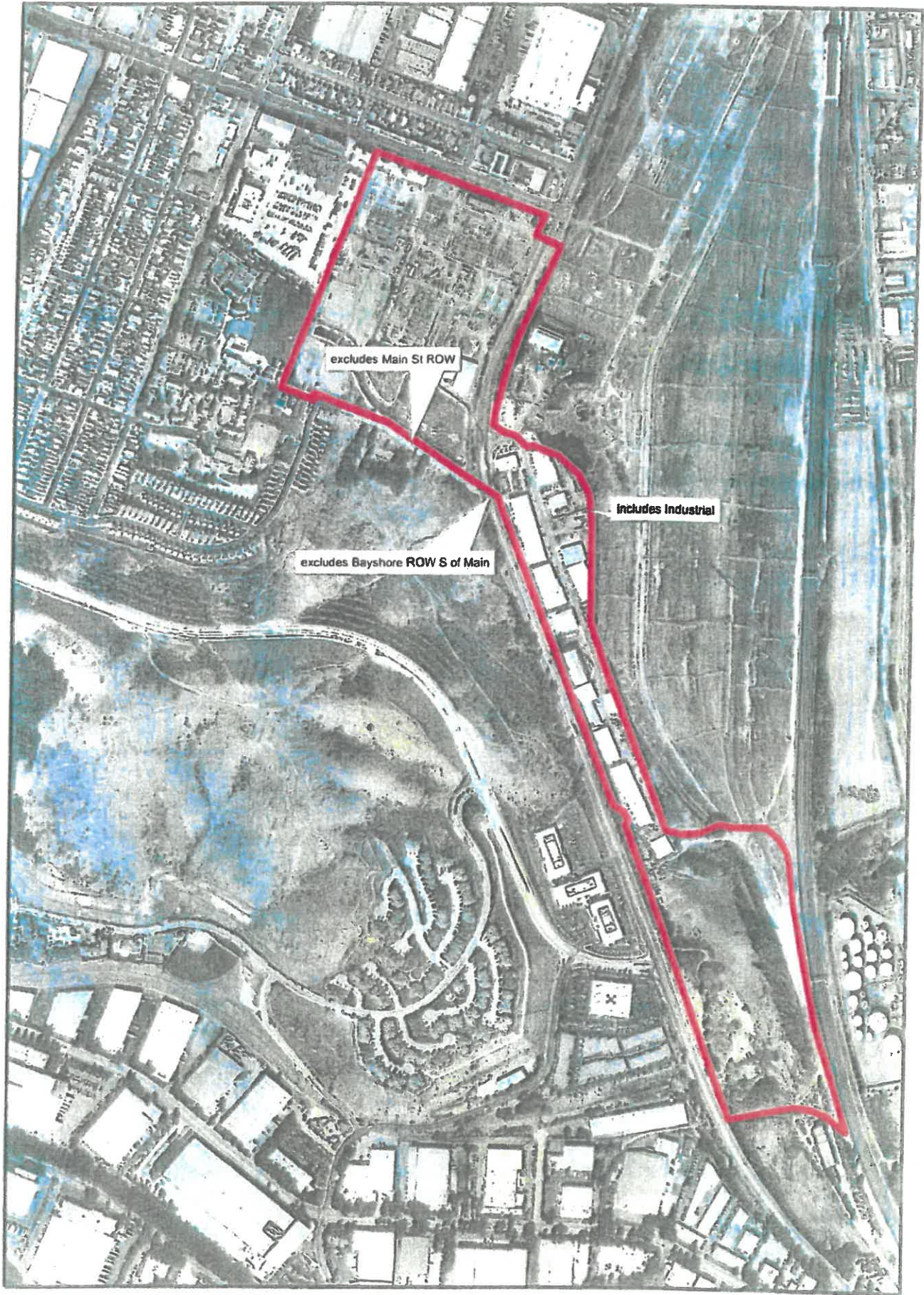
0 375 750 1500 feet



City of Brisbane
Solid Waste Collection Zone
1 - B

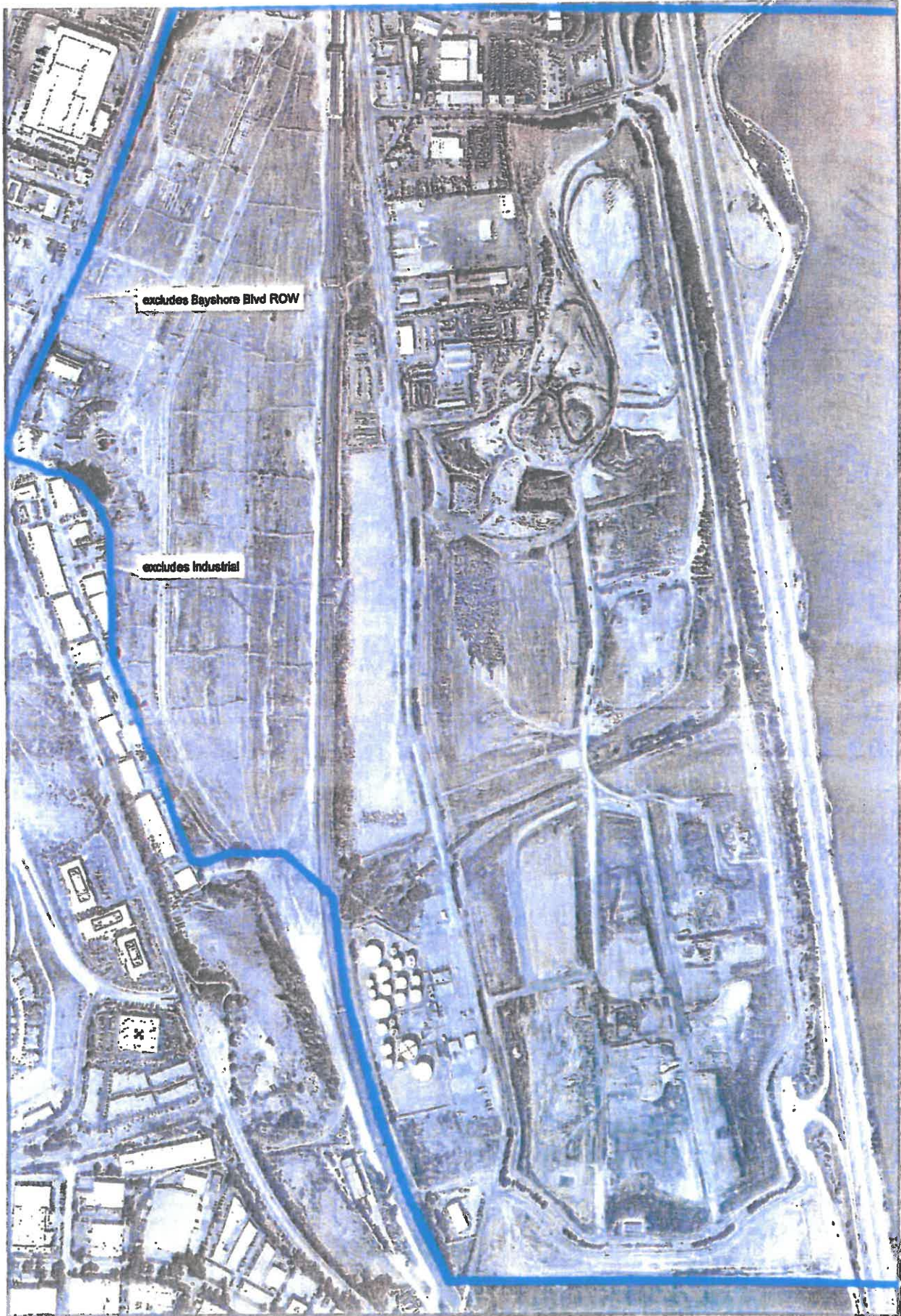


0 375 750 1,500 Feet



City of Brisbane
Solid Waste Collection Zone
2





File Attachments for Item:

I. Approve the Guadalupe Valley Municipal Improvement District Board of Director's appointment to the Bay Area Water Supply & Conservation Agency (BAWSCA) and Bay Area Regional Water System Financing Authority (RFA) Boards



Guadalupe Valley Municipal Improvement District

BOARD AGENDA REPORT

Meeting Date: May 4, 2023

From: District Manager

Subject: Bay Area Water Supply & Conservation Agency (BAWSCA) and Bay Area Regional Water System Financing Authority (RFA) Appointments

Community Goal/Result

Safe Community

Purpose

To appoint a representative for the Guadalupe Valley Municipal Improvement District (GVMID) water system to BAWSCA and RFA.

Recommendation

1. Appoint Director of Public Works/City Engineer Randy Breault to represent the Guadalupe Valley Municipal Improvement District (GVMID) as a member of the BAWSCA and RFA Boards of Directors for a four-year term (7/1/23 - 6/30/27).
2. Direct the City Clerk to provide the BAWSCA office with a record of the council action making the appointments.

Background

The attached letter addressed to Mayor Davis identifies the issues associated with the recommended actions.

The City's Director of Public Works/City Engineer Randy Breault has represented GVMID on both BAWSCA and RFA Boards since the establishment of these agencies in 2003. Mr. Breault was the 2015-2016 Chair for both BAWSCA and the RFA.

Fiscal Impact

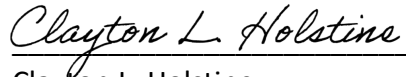
None as a direct result of the actions recommended herein.

Measure of Success

Continued representation on the BAWSCA and RFA Boards, which strive to ensure the following three goals are met with regards to their member agencies' drinking water; a reliable supply, high quality water, and a fair price for the water.

Attachments

BAWSCA 1/26/23 letter addressed to Mayor Davis



Clayton L. Holstine

GVMID District Manager



January 26, 2023

The Hon. Madison Davis, Mayor
 Guadalupe Valley MID
 50 Park Place
 Brisbane, CA 94005

Subject: Appointment of a Director to the Boards of the Bay Area Water Supply & Conservation Agency and the Bay Area Regional Water System Financing Authority

Dear Ms. Davis,

The four-year term of Randy Breault on the board of directors of the Bay Area Water Supply & Conservation Agency (BAWSCA) will end on June 30, 2023, as will his term on the Bay Area Regional Water System Financing Authority (RFA). Action by your board must be taken promptly.

The enabling acts for both special districts allow the district to reappoint its director for an unlimited number of terms or to appoint a new director at the end of each term. The appointment will be for a four-year term. While BAWSCA and RFA are special districts, they are not a Joint Powers Authority (JPA); therefore, the term and duty is independent of the appointee's home agency. Hence, whoever is appointed will have a term that ends on June 30, 2027.

The enabling acts for both special districts require that a vacancy on their boards be filled no later than 90 days from the date the vacancy occurs. However, we encourage your city to make the appointments before June 30, effective July 1, 2023, so that a quorum of both boards can be ensured.

Statutory qualifications:

- The appointee must be a resident of, and a registered voter in, the district.
- The appointee may, but need not, be a member of your Board of Directors.

Mechanics of the appointment process:

- The appointments must be made at a public meeting of the Board of Directors and be properly agendaized.
- The appointments must be made by action of the full board, rather than by unilateral action of the board president.
- The appointments do not need to be memorialized in a resolution; a motion duly passed and recorded in the minutes of the meeting is sufficient.

Madison Davis, Mayor
January 26, 2023
Page 2 of 2

- A copy of the record of the board actions making the appointment should be sent to BAWSCA. The oaths of office must be administered prior to the appointee's first meeting as a director on the BAWSCA and RFA Boards.

The two questions most frequently asked about an appointment are:

- Should the appointee be an elected member of the appointing agency's governing board?
- Should the same person be appointed to the boards of both agencies?

Both of these are matters of policy left entirely to the discretion of your board. I offer the following observations, based on BAWSCA's experience.

- The great majority of cities and districts which are participants in BAWSCA and the RFA do select a member of their governing body to serve on the BAWSCA and RFA boards.
One advantage of appointing a currently serving or former elected member of your board is the stature that his or her presence gives BAWSCA in its dealings with San Francisco, regulatory agencies and legislators. Another is the familiarity and experience the appointee already has in addressing policy matters for the district. The governing body of each individual agency is, of course, in the best position to evaluate these, and other relevant considerations.
- With no exceptions, cities and districts have appointed the same individual to both the BAWSCA and RFA boards.

Appointing one person on both boards offers an advantage because, although the two special districts have distinct roles, they are closely related. The familiarity with the issues gained through service on one board will be useful in participating on the other. Additionally, having the same person appointed to both boards assure greater continuity.

Please see that your board places this matter on an agenda for action by the end of June 30, 2023. I may be reached at (650) 349-3000 or nsandkulla@bawscsca.org if you have any questions.

Sincerely,



Nicole Sandkulla
Chief Executive Officer/General Manager

cc via email:

Randy Breault, BAWSCA Board Member
Jerry Flanagan, BAWSCA Water Management Representative

File Attachments for Item:

J. Approve a resolution adopting the slurry seal of various city streets for fiscal year 2023-2024 funded by Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017.



CITY COUNCIL AGENDA REPORT

Meeting Date: May 4, 2023

From: Tomas Santoyo-Velazquez, Assistant Engineer

Subject: Intended Use of FY 2023-24 RMRA Funding

Community Goal/Result

Safe Community

Purpose

To satisfy the Fiscal Year Road Maintenance and Rehabilitation Account eligibility, accountability, and transparency requirements established by SB 1 (2017, Beall); this action is consistent with the community's value of being fiscally conservative.

Recommendation

Approve a resolution adopting the slurry seal of various city streets for fiscal year 2023-2024 funded by Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017.

Background

SB 1 was filed with the Secretary of State on April 28, 2017. This bill established a Road Maintenance and Rehabilitation Account (RMRA) in the State Transportation Fund that is intended to address deferred maintenance on the state highway system and the local street and road systems. The bill also requires the California Transportation Commission (CTC) to adopt criteria to ensure efficient use of these funds.

The reason for recommending approval of the attached resolution is to satisfy the eligibility requirements of SB 1 while providing transparency to the community of the City's intended use of the SB 1 funds and holding itself accountable for the efficient investment of public funds to maintain public streets and roads with the annual expenditure reporting requirements. The City will report to the Commission by December 1 of each year on its use of RMRA funds received and/or spent each FY and account for all projects proposed in that FY.

Should the City fail to meet the eligibility requirements within the submittal period enforced by the CTC, the City will forfeit its RMRA apportionment, which will then be disbursed to other eligible Cities that fiscal year.

Fiscal Impact

The project recommended for this year is to utilize 2023-24 RMRA funds to complete a preventive maintenance slurry seal project on the streets identified in the attached Resolution. As shown in the chart below¹, maintaining roads at a higher Pavement Condition Index (PCI) is much less expensive than allowing roads to decay before maintaining them. Slurry seals, which are typically applied when the PCI is within the

green and blue regions of the chart, may be up to 10 times less costly than the “yellow” overlay. Slurry sealing may be up to 25 times less costly than the “red” complete replacement. Completing crack seal and slurry seal projects in a timely fashion extends the time between which overlays are needed and will help prevent the unanticipated need for complete replacement of a roadway.



Measure of Success

Compliance with SB 1 Local Streets and Roads RMRA eligibility requirements by the CTC’s submittal due dates, allowing the City to receive its FY 2023-24 RMRA apportionment.

Attachments

1. Proposed Resolution

Randy Breault

Randy Breault, Director of Public Works

Clayton L. Holstine

Clay Holstine, City Manager

¹ Taken from the 2018 California Statewide Local Streets & Roads Needs Assessment. Dollar values are shown for proportional differences between road treatments and will not necessarily reflect current local pricing.

PROPOSED RESOLUTION

RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-2024 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of Brisbane are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Brisbane must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of Brisbane will receive an estimated \$119,967 in RMRA funding in Fiscal Year 2023-24 from SB 1; and

WHEREAS, this is the seventh year in which the City of Brisbane will receive SB 1 funding and will enable the City of Brisbane to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City of Brisbane has undergone a robust public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS, the City of Brisbane used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City of Brisbane maintain and rehabilitate 10 streets/roads throughout the City of Brisbane this year and similar projects into the future; and

WHEREAS, the 2023 Pavement Management Technical Assistance program (P-TAP) update found that the City of Brisbane streets and roads are in "Good to excellent" condition and this revenue will help us increase and maintain the overall quality of our road system and over the next decade will keep our streets and roads in a "good to excellent" condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits citywide.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Brisbane, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following list of newly proposed projects will be funded in-part or solely with \$119,967 of Fiscal Year 2023-24 Road Maintenance and Rehabilitation Account revenues: 2023-24 RMRA funds

Project Title: 2024 Slurry Seal Project

Project Description: Slurry sealing of various city streets

Project Location: Old County Road from San Francisco Avenue (west) to Bayshore Boulevard (east), Guadalupe Canyon Parkway from the City Limits (west) to Mission Blue Drive (east), Guadalupe Canyon Parkway from Mission Blue Drive (west) to Bayshore Boulevard (east)

Estimated Project Schedule: Release notice inviting bids to contractors in Spring 2024 and complete construction by Fall 2024.

Estimated Project Useful Life: The City's Pavement Management system calculates a new useful life of 2 to 7 years for these repaired roadways.

Madison Davis, Mayor

* * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the 4th day of May 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk

File Attachments for Item:

K. Approve Construction Contract for Crocker Trail Resurfacing (Project No. 921S)

(Award the construction contract for the Crocker Trail Resurfacing to E.E. Gilbert Construction in the amount of \$795, 510.15 and authorize the mayor to sign the Agreement on behalf of the City.)



CITY COUNCIL AGENDA REPORT

Meeting Date: May 4, 2023

From: Karen Kinser, Deputy Director of Public Works

Subject: Construction Contract for Crocker Trail Resurfacing (Project No. 921S)

Community Goal/Result

Community Building

Purpose

To resurface the 2.3-mile-long Crocker Trail with compacted crusher fines over existing railroad spur surfacing and make the trail passable by all users.

Recommendation

Award the Crocker Trail Resurfacing construction contract to E.E. Gilbert Construction in the amount of \$795,510.15 and authorize the mayor to sign the Agreement on behalf of the City.

Background

The city received five bids on April 20th, 2023:

E.E. Gilbert Construction	\$795,510.15
Minerva Construction	\$1,282,798.00
Buhler Engineering	\$1,186,465.00
Galeb Paving, Inc.	\$1,488,800.00
Asphalt Surfacing, Inc.	\$1,297,038.40

Staff reviewed the apparent low bid and determined that the proposal was responsive, and the bidder was responsible. Low bidder E.E. Gilbert had an immaterial math error that was corrected as directed in Section 2, Proposal Requirements and Instructions to Bidders of the project specifications, which lowered their bid by \$25.39 to the amount listed above.

Impacts to pedestrians, cyclists, the motoring public, and users of Crocker Trail will be minimal during construction, which will occur in summer of this year.

Fiscal Impact

Funds in the amount of \$1,000,000 are available from the One Bay Area Grants Cycle 2, Bike/Ped Improvement Program (OBAG2 BPIP) (\$885,000) and from the General Fund (\$115,000), approved with the CIP program in June 2018.

Regarding the National Environmental Policy Act (NEPA), a Categorical Exclusion determination was made, and the notice was finalized on April 22, 2022. For the California Environmental Quality Act (CEQA), the project was determined to be Categorically Exempt, and the notice was recorded in April of 2022. No further action on the federal and state environmental determinations is required by Council.

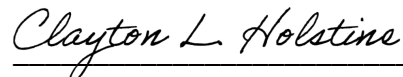
With regards to remaining funds above the low bidder's proposal, the federally funded grant's environmental process required staff to clearly define the limits of work and the scope of the improvements, then perform needed studies and environmental review. The city may only expend funds on those work items and within project limits included in the environmental review. Staff will bring a recommendation back to Council regarding additional budgeted funds at a later date.



Karen Kinser, Deputy Director of Public Works



Randy Breault, Director of Public Works/City Engineer



Clay Holstine, City Manager

File Attachments for Item:

L. Receive Mid-Year FY23 Budget Report and Consider Adoption of Resolution to Amend the FY 2022/23 Budget



CITY COUNCIL AGENDA REPORT

Meeting Date: 5/4/2023

From: Carolina Yuen, Finance Director

Subject: Mid-Year FY23 Budget Report and Adoption of Resolution

Community Goal/Result

Fiscal Stability

Purpose

Provide funding for current approved programs and services and set funding aside for long-term liabilities.

Recommendation

City Council adopt resolution to amend the FY 2022/23 Budget

Background

On June 16, 2022, City Council adopted the FY 2022/23 budget. The budget projected General Fund Revenues at \$21,816,001, including Transfers In. General Fund Expenditures were projected at \$25,013,662 including Transfers Out. The beginning fund balance was estimated at \$7,844,312 and ending fund balance of \$4,646,651.

Our actual General Fund non-committed Balance as of July 1, 2022, was \$6,762,378, representing \$1,081,935 less than anticipated.

Discussion

Revenues: Attached is a summary showing the FY2020/2021 and FY 2021/22 budgets compared to actuals as well as the 2022/23 adopted budget compared to the midyear re-projection. Staff is anticipating approximately \$4,428,276 in additional revenues for the 2023 fiscal year, for a total of \$26,244,277. The largest increases were due to the increase of Fees and Charges, followed by Business Licenses and slight increases in Property Tax and Sales Taxes. We are requesting budget adjustments to revenue in the net amount of \$4,428,276.

Property Tax – Staff budgeted for slight growth in Property Tax as projected by the County. However, the City received about \$598,000 more from the former RDA area than anticipated as well. This increase is a direct result of the construction that has been taking place on Sierra Point. Staff anticipates that some additional new revenue will be generated as the Life Science campus projects are completed.

Sales Tax – Staff did not project any growth in Sales Tax due to the uncertainty of COVID and the loss of the Real Real. However, the sales tax category results are projected to exceed budget by approximately \$866,000. The increase is due primarily from Proposition U, passed by voters in November 2022, allowing the City to levy a Use and Transaction (Sales) Tax starting April 1, and is expected to collect \$625,000 for one quarter of the current fiscal year.

Transient Occupancy Tax (TOT) – Although Staff reduced the amount of TOT for the FY2023 budget, the actual taxes is expected to exceed the budget by approximately \$109,000. Although we are seeing this income increasing over the year, the hotel industry has not fully rebounded from the impact of COVID and other hits to the local hospitality industry.

Business License Tax – In November, the voters also passed Proposition O which allowed the City to collect a business license tax on hotels and short-term rentals in the amount of \$2.50 per day for each room rented starting January 1 and is expected to collect \$125,000 for FY23. The City also saw a rebound in local business revenue, resulting in an increase in business license taxes projected in the amount of \$350,000 net of transfer to the Capital Project Fund. This category is expected to exceed the budgeted amount by \$955,000.

Fees and Service Charges – Due to the uncertainty of COVID, Staff budgeted a decrease in this category compared to FY22 results. However, due to the continued permitting activity for Sierra Point developments and earlier-than-scheduled opening to City recreational activities, we are projecting growth to exceed the budget by \$1,715,000 for FY23. These are one-time fees with related costs expected over future years.

Expenses: Staff is anticipating remaining flat in expenses for the 2023 fiscal year. There were a few departments that fell below budgeted targets with savings of open positions or delayed hiring, but offset by others that exceeded their budgeted targets due to increase in costs for planned expenses or unexpected growth in program activity costs. We are requesting budget adjustments to expenses in the net amount of \$560,220 as follows:

LIRA Transfers – The budget passed in June did not include some of the annual transfers due to a switch in budgeting software. One line item was the amount transferred to the Utility Fund for the Low Income Rate Adjustment (LIRA) Program. In previous year, we budgeted \$75,000 and staff recommends maintaining this amount for FY23.

Co-Sponsorships – The budget passed in June did not include this department due to a switch in budgeting software. Costs for this department were discussed and the requested amount was \$20,000. Staff recommends including at this time.

Fire Vehicle – In October 2022, the Council approved the purchase of a Fire apparatus ahead of the normal schedule due to the supply chain shortages causing delays in deliveries and required lead time of 3 to 5 years from order. At the time, the decision was made to make a 50% down payment of approximately \$465,000 with a future determination of the fund to cover. Staff is suggesting to cover with the General Fund at this time.

Recommended Transfer to Pension Trust – Staff decided to take advantage of the CalPERS Unfunded Liability payment discount program and made a lump-sum payment at the beginning of the fiscal year. By making one payment instead of monthly throughout the year, the approximate savings was \$64,000 and staff therefore recommends to transfer the savings to the Pension Trust.

Fund Balance and summary

Ending Fund Balance for FY 2022/23 is anticipated to be higher than originally projected and will be approximately \$15,870,685. Based on fund commitments and the Reserve Policy adopted by Council to set money aside for recessions, unanticipated events and annual fluctuations in the budget, the City will have \$879,777 in available reserves. Staff recommends rolling over these funds to be considered for use in FY23/24. Due to the Use and Transaction (Sales) Tax not fully known and expected increase in anticipated costs for the City, our speed of full recovery can still be at least another year.

Other notable events:

American Rescue Plan Act (ARPA) – The federal government enacted a federal stimulus bill known as ARPA to aid state and local jurisdiction for economic recovery from the COVID-19 pandemic. The City received \$558,701, the second of two payments in FY23, for a program-to-date total of \$1,117,402. However, these funds are not part of the General Fund and therefore not accounted for in this budget.

Atmospheric River Storms – Over the New Year's Day holiday weekend, record-setting heavy rains and snow caused flooding caused dangerous flooding across the State of California. The City experienced heavy rains and high tides which caused flooding in low lying areas of the City and significant debris flow sent mud, water and other materials down several roads and recreational trails and into the storm drains and downed trees. The City is in the process of seeking federal aid to reimburse the costs of clean-up, repairs, and mitigation to upgrade the storm drain system. Cost incurred so far for clean-up for emergency opening and related staff response time in the amount of \$450,000 are included in expenses but budget adjustments are not requested at this time. Additional clean-up and repairs are on hold until possible funding from external agencies are made known.

Fiscal Impact

The City is expected to experience overall net savings of \$670,395 compared to the FY23 budget. Any savings will be rolled over to be considered for the FY24 budget and be used to pay for the level of services requested by the Council.

Measure of Success

The City is able to meet the goals and policies adopted by the City Council.

Attachments

Overview of General Fund 2022/23

Resolution 2023-_____



Carolina Yuen, Finance Director



Clay Holstine, City Manager

General Fund

	FY20/21	FY21/22	FY22/23
Budgeted Revenue	18,847,044	20,212,958	21,816,001
Budgeted Expenses	20,926,419	22,593,103	25,013,662
Anticipated Surplus (Use of Fund Balance)	(2,079,375)	(2,380,145)	(3,197,661)
Actual / Anticipated Revenues	27,435,846	23,211,199	26,244,277
Actual / Anticipated Expenses, net of transfers	22,336,269	25,547,047 *	25,573,882
Actual / Reprojected Surplus (Use of Fund Balance)	5,099,577	(2,335,848)	670,395
Beginning Fund Balance	12,436,561	17,536,138	15,200,290
Ending Fund Balance	17,536,138	15,200,290	15,870,685
Reserve Policy:			
Recession Reserve	2,500,000	2,500,000	2,500,000
Unanticipated Events	3,500,000	3,500,000	3,500,000
Annual Fluctuation (5% Revenues/5% Expenses)	2,488,606	2,437,912	2,590,908
Total Required Reserve	8,488,606	8,437,912	8,590,908
Fund Balance Above Required Balance	9,047,532	6,762,378	7,279,777
Additional Restrictions on Fund Balance	6,099,734	5,818,773	6,400,000
Available Fund Balance	2,947,798	943,605	879,777

* includes one-time proceeds from long term debt

RESOLUTION NO. 2023-__

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF BRISBANE
AMENDING THE ANNUAL BUDGET
FOR FISCAL YEAR 2022-23 AND MAKING APPROPRIATIONS FOR THE AMOUNT BUDGETED**

WHEREAS, a proposed annual budget for the City of Brisbane for the Fiscal Year commencing July 1, 2022, and ending June 30, 2023, was adopted by City Council on June 16, 2022; and

WHEREAS, the City Council has reviewed the proposed changes to the budget for Fiscal Year 2022/23 on May 04, 2023, attached to the Resolution.

NOW THEREFORE, THE CITY COUNCIL DOES RESOLVE, that the amended budget, as submitted, is adopted as the annual budget for the Fiscal Year commencing July 1, 2022, and thereby appropriates the amounts budgeted.

PASSED, APPROVED, AND ADOPTED this 4th day of May 2023

Madison Davis,
Mayor

I hereby certify that the foregoing **Resolution No. 2023-__** was duly and regularly adopted at a regular meeting of the Brisbane City Council on May 4, 2023, by the following vote:

AYES:

NOES:

ABSENT:

Ingrid Padilla
City Clerk

City of Brisbane
Mid-Year General Fund Budget Review
 Fiscal Year 2022/2023

FY22/23 Approved Budgeted Revenue	\$21,816,001
Total Revenue Budget Adjustments	4,428,276
Property Tax - \$277,718	
Sales Tax – \$866,920	
Transient Occupancy Tax – \$109,434	
Business License Tax - \$954,527	
Fees and Charges - \$1,714,966	
Other - \$504,711	
Total Anticipated Revenues	\$26,244,277

FY21/22 Approved Budgeted Expenses	\$25,013,662
Total Expense Budget Adjustments	560,220
Transfers - \$75,000	
Co-sponsorships - \$20,000	
Vehicle Fund - \$465,000	
Total Anticipated Expenses	\$25,573,882

File Attachments for Item:

M. Review of Marina Enterprise Fund, Sierra Point Lighting and Landscaping District & Park Planning and Development Funds



CITY COUNCIL AGENDA REPORT

Meeting Date: May 4, 2023

From: Carolina Yuen, Finance Director

Subject: Review of Marina Enterprise Fund, Sierra Point Lighting and Landscaping District and Park Planning and Development Funds

Community Goal/Result

Safe Community
Community Building
Ecological Sustainability
Fiscally Prudent
Economic Development

Purpose

To review how the Marina Enterprise Fund, Sierra Point Lighting & Landscaping District and Park Planning and Development Funds are funded and what expenses are covered.

Recommendation

Informational only. No recommendation is made.

Background

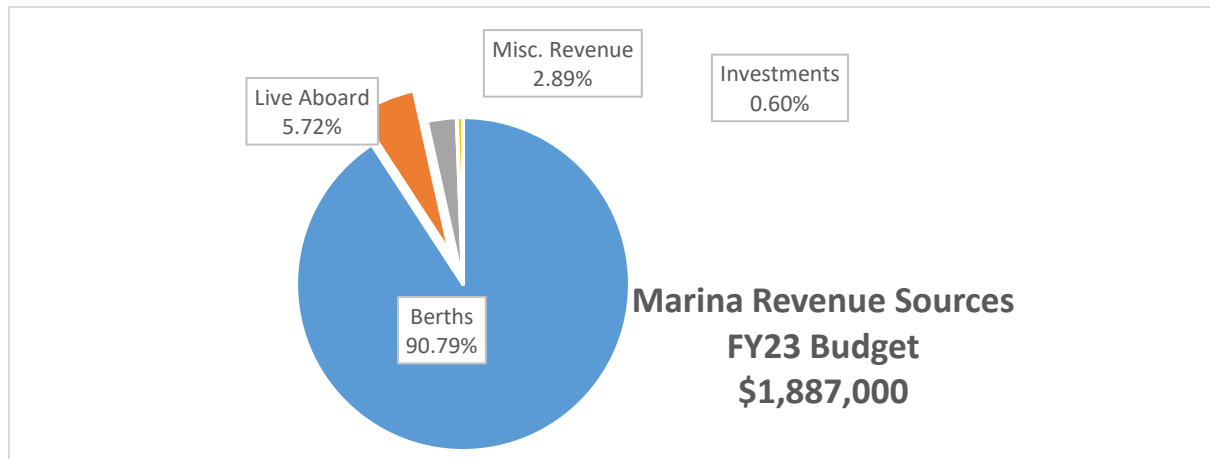
Marina Fund

The Marina was completed in 1983 with a 270' guest dock and can house 580 boats ranging in size from 30 feet to 100 feet.

Most of the City's basic services are reported in governmental funds which focus on how money flows into and out of those funds and the balances left at year-end that are available for spending. The Marina Fund is an enterprise fund which reports business-type activities similar to a private business enterprise. The intent of the City is that the cost of providing goods and services of the enterprise be financed primarily through user charges. The Marina Fund also houses its own capital improvement expenditures and debt service commitments.

Revenue Sources:

- Berth Rentals
- Live-Aboards
- Miscellaneous Revenue
- Investment Related



Expenses and programs – The FY232 budgeted expenses for Marina operations are:

	<u>Budget</u>
Salaries and Benefits	\$ 740,824
Supplies and Services	384,845
Administrative Fee	180,000
Debt Service	483,035
Motor Vehicle Replacement	16,158
MARINA Total:	\$ 1,804,862

In June 2015, the Brisbane Guadalupe Valley Municipal Improvement District Financing Authority and the City entered into an installment sale agreement in the amount of \$4.2 million which paid for the dredging of the Marina. The repayments are payable and secured by a pledge of the net revenues of the Marina Fund as defined under the agreement, which must be equal to at least 125% of the current annual debt service requirements.

Other capital improvements and repairs have been funded by either operating revenues, state grants or transfers from the general fund.

Sierra Point Lighting & Landscaping District

In 1983, The Brisbane City Council determined to form an assessment district for the purpose of constructing, installing, maintaining and servicing the following facilities within said district:

1. Public landscaping, including trees, shrubs, grass, other vegetation, and irrigation facilities.

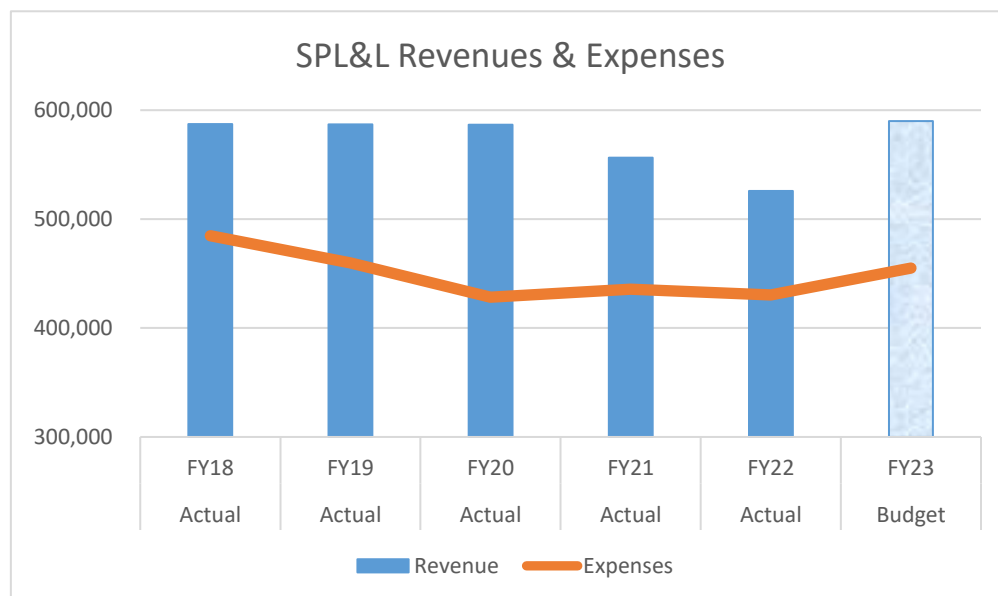
2. Public lighting facilities, including standards, poles, and electric current or energy.

The proposed district was designated the “Sierra Point Landscaping and Lighting District.”

Assessments are levied annually to cover the routine maintenance provided within the district, along with non-annual projects. The Public Works department provides engineering and maintenance for the assessment district. The amount received in excess of the annual costs is used to reimburse the City for unfunded expenses incurred in previous years. Reports are prepared annually to detail the assessment charges and the estimated district expenses covering each fiscal year.

Method of Assessment Spread - The amounts assessed against the parcels of property to pay the costs and expenses of the work and improvements are based on the estimated benefits to be derived by the various properties within the assessment district. Construction and maintenance costs are segregated by zone, and then spread to the parcels within each zone in proportion to the area of the benefited parcels within the zone. Incidental expenses are spread proportionately to the area of benefited parcels within the assessment district.

Assessments and corresponding expenses for the last five years and current budget are as follows:



Any overage of revenue over expenses are carried in Fund Balance and normally used towards projects that may span over several budget years or capital improvement projects.

Park Development Fund

The Successor Agency of the Redevelopment Agency of the City of Brisbane (Successor Agency) owns certain undeveloped property located at the eastern end of the Sierra Point Parkway,

commonly known as 400 Sierra Point Parkway in the City (Leased Property), consisting of approximately 3.4 acres. The City and the predecessor of developer, Sierra Point LLC, entered into a Ground Lease Agreement in March 1984 for what is known as Parcel R, to build a restaurant and other facilities. The developer provided funds in the approximate amount of \$2 million dollars to help build the Marina as part of the agreement. In June 2012, the Sierra Point LLC entered into a Development Agreement concerning the property commonly known as 3000-3500 Marina Boulevard, consisting of 8.87 acres. In 2017, the development agreement was restructured so that in exchange for the developer to repurpose its development plan in 3000-3500 Marina Boulevard to a life science development, the developer would terminate its interest in Leased Property to the Successor Agency and pay \$300,000 to the City to be used for site preparation to be developed for public purposes. Also, part of the agreement, each time the City issues a building permit for development of the property, the developer will pay \$.50 times the square footage of the building permit value to the City also to be used towards developing the Leased Property.

In 2017, the City entered into a development agreement with Healthpeak where the developer agreed to pay \$1.5 million towards improvements for public use in Sierra Point.

These deposits and any future agreed-upon deposits make up the Park Development Fund. Funds have been expended to cover consulting costs for Sierra Point Parcel evaluations and most recently those related to the preparation of Sierra Point Open Space and Park Master Plan, and improvements of the Marina picnic area and Marina backflow devices for incoming tides.

Fiscal Impact

There is no fiscal impact as this report is informational only.

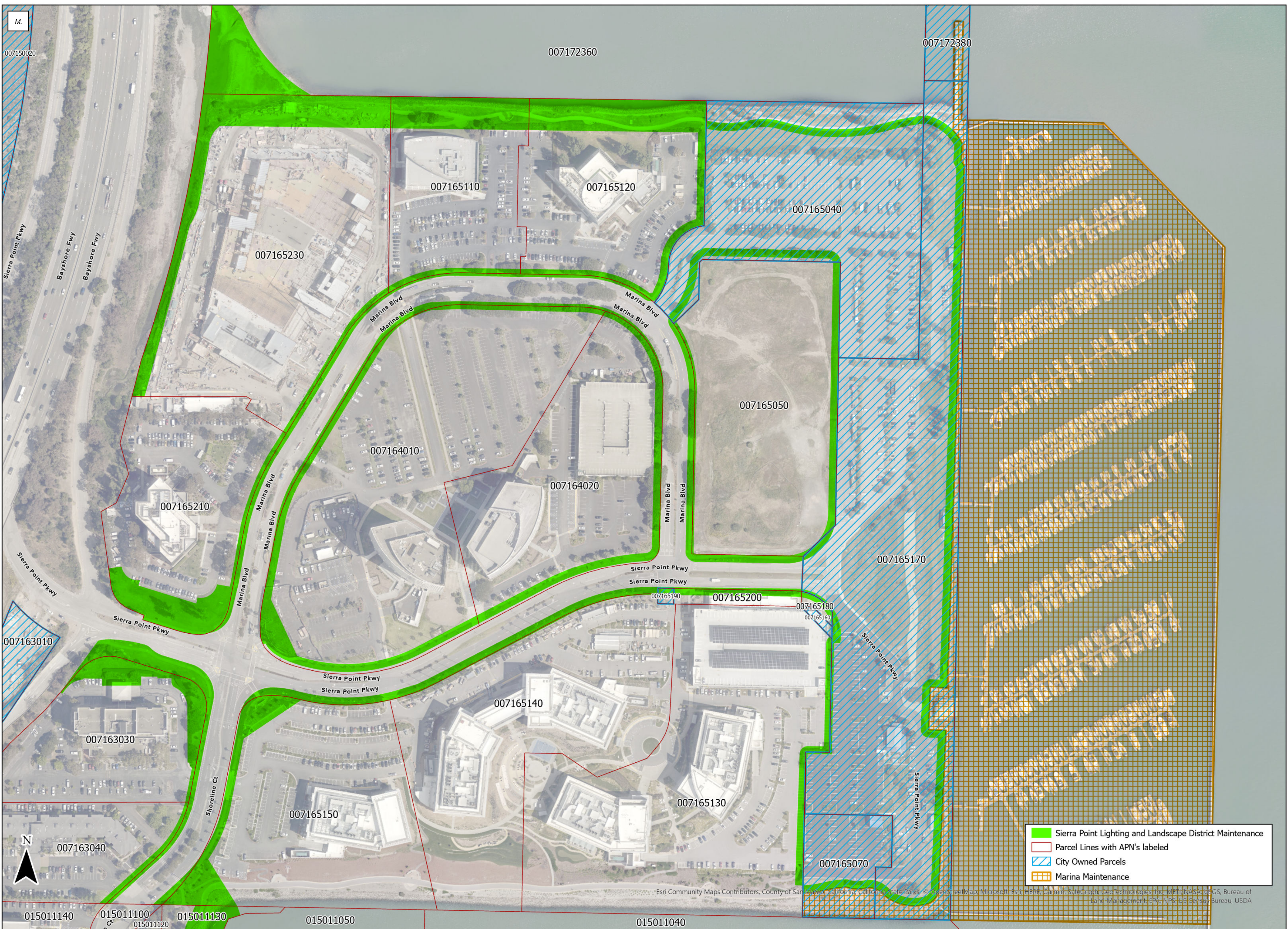
Attachment – Map of Sierra Point

Carolina Yuen

Carolina Yuen, Finance Director

Clayton L. Holstine

Clay Holstine, City Manager



SIERRA POINT LIGHTING AND LANDSCAPE DISTRICT MAINTENANCE AREA

GIS Parcel Data from San Mateo County
Orthophoto Imagery from San Mateo County
Sierra Point Lighting and Landscape District Boundaries from existing Map
04/12/2023



File Attachments for Item:

N. Receive Report on Measure K Funds from San Mateo County and Provide Directions to Staff on Next Steps



CITY COUNCIL AGENDA REPORT

Meeting Date: May 4, 2023

From: Clay Holstine, City Manager

Subject: Measure K funds from San Mateo County

Recommendation

Receive report and provide directions on next steps.

Measure K

Measure K is a half cent sales tax that was approved by voters of San Mateo County in 2016 for a period of twenty years. Measure K replace Measure A which was originally approved by voters in 2012.

The sales tax is currently projected to generate 110m in Fiscal Year 2023/24.

I recently met with our County Supervisor, David Canepa regarding funding for a Brisbane project. Each Supervisor is allotted up to \$1m a year to support projects in their District. He indicated that a project of approximately 150k to 200k with City match would be of interest to him. He is looking for a “capital project” as opposed to a program. The idea being that a physical capital project will be enduring as opposed to a program are used up within a year.

The time for submittal of a project to his office is October of this year.

Next steps are for the City Council to discuss what process you wish to consider in developing a proposal.

Options could include but are not limited to the following:

- City Council Subcommittee (existing)
- City Council Ad-hoc subcommittee (New)
- One or more commissions of the city (more than one commission would set up a competition of ideas which may or may not be a good idea).
- City Council agenda item to discuss as a group.

As stated above the Council may wish to pursue this in another fashion. The list above is provided to stimulate conversation.

Clay Holstine, City Manager

File Attachments for Item:

O. Consider City appointment to the Bay Area Water Supply & Conservation Agency (BAWSCA) and Bay Area Regional Water System Financing Authority (RFA) Boards



CITY COUNCIL AGENDA REPORT

Meeting Date: May 4, 2023

From: City Manager

Subject: Bay Area Water Supply & Conservation Agency (BAWSCA) and Bay Area Regional Water System Financing Authority (RFA) Appointments

Community Goal/Result

Safe Community

Purpose

To appoint a representative for the City's water system to BAWSCA and RFA.

Recommendation

Discuss and provide direction on the selection of an individual to represent the City of Brisbane as a member of the BAWSCA and RFA Boards of Directors for a four-year term (7/1/23 - 6/30/27).

Background

The attached letter addressed to Mayor Davis identifies the issues associated with the recommended actions.

Former Councilmember Richardson (now, Ms. Wood) was appointed to represent the City of Brisbane in 2012 when Councilmember Bologoff's term on the Council ended.

The City's Director of Public Works/City Engineer Randy Breault has represented GVMID on both BAWSCA and RFA Boards since the establishment of these agencies in 2003. Mr. Breault was the 2015-2016 Chair for both BAWSCA and the RFA.

Fiscal Impact

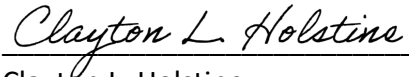
None as a direct result of the actions recommended herein.

Measure of Success

Continued representation on the BAWSCA and RFA Boards, which strive to ensure the following three goals are met with regards to their member agencies' drinking water; a reliable supply, high quality water, and a fair price for the water.

Attachments

BAWSCA 1/26/23 letter addressed to Mayor Davis



Clayton L. Holstine

Brisbane City Manager



January 26, 2023

The Hon. Madison Davis, Mayor
City of Brisbane
50 Park Place
Brisbane, CA 94005

Subject: Appointment of a Director to the Boards of the Bay Area Water Supply & Conservation Agency and the Bay Area Regional Water System Financing Authority

Dear Mayor Davis,

The four-year term of Sepi Wood on the board of directors of the Bay Area Water Supply & Conservation Agency (BAWSCA) will end on June 30, 2023, as will her term on the Bay Area Regional Water System Financing Authority (RFA). Action by your Council must be taken promptly.

The enabling acts for both special districts allow the city to reappoint its director for an unlimited number of terms or to appoint a new director at the end of each term. The appointment will be for a four-year term. While BAWSCA and RFA are special districts, they are not a Joint Powers Authority (JPA); therefore, the term and duty is independent of the appointee's home agency. Hence, whoever is appointed will have a term that ends on June 30, 2027.

The enabling acts for both special districts require that a vacancy on their boards be filled no later than 90 days from the date the vacancy occurs. However, we encourage your city to make the appointments before June 30, effective July 1, 2023, so that a quorum of both boards can be ensured.

Statutory qualifications:

- The appointee must be a resident of, and a registered voter in, the City.
- The appointee may, but need not, be a member of your City Council.

Mechanics of the appointment process:

- The appointments must be made at a public meeting of the City Council and be properly agendized.
- The appointments must be made by action of the full City Council, rather than by unilateral action of the Mayor.
- The appointments do not need to be memorialized in a resolution; a motion duly passed and recorded in the minutes of the meeting is sufficient.
- A copy of the record of the council actions making the appointment should be sent to BAWSCA. The oaths of office must be administered prior to the appointee's first meeting as a director on the BAWSCA and RFA Boards.

Madison Davis, Mayor
January 26, 2023
Page 2 of 2

The two questions most frequently asked about an appointment are:

- Should the appointee be an elected member of the appointing agency's governing board?
- Should the same person be appointed to the boards of both agencies?

Both of these are matters of policy left entirely to the discretion of your council. I offer the following observations, based on BAWSCA's experience.

- The great majority of cities and districts which are participants in BAWSCA and the RFA do select a member of their governing body to serve on the BAWSCA and RFA boards.

One advantage of appointing a currently serving or former elected member of your council to the board is the stature that his or her presence gives BAWSCA in its dealings with San Francisco, regulatory agencies and legislators. Another is the familiarity and experience the appointee already has in addressing policy matters for the City. The governing body of each individual agency is, of course, in the best position to evaluate these, and other relevant considerations.

- With no exceptions, cities and districts have appointed the same individual to both the BAWSCA and RFA boards.

Appointing one person on both boards offers an advantage because, although the two special districts have distinct roles, they are closely related. The familiarity with the issues gained through service on one board will be useful in participating on the other. Additionally, having the same person appointed to both boards assure greater continuity.

Please see that your council places this matter on an agenda for action by the end of June 30, 2023. I may be reached at (650) 349-3000 or nsandkulla@bawasca.org if you have any questions.

Sincerely,



Nicole Sandkulla
Chief Executive Officer/General Manager

cc via email:

Sepi Wood, BAWSCA Board Member
Randy Breault, BAWSCA Water Management Representative
Jerry Flanagan, BAWSCA Water Management Representative

File Attachments for Item:

Q. Briefing on Senate Bill 423 (2023)



CITY COUNCIL AGENDA REPORT

Meeting Date: May 4, 2023

From: Thomas McMorrow, City Attorney

Subject: Briefing on Senate Bill 423 (2023)

PURPOSE

To ensure the City of Brisbane is aware of major policies or regulations being discussed at the State level that may impact residential development in the City.

BACKGROUND: SENATE BILL 35

The Council will no doubt remember Senate Bill 35 (Weiner) from 2017, which created a process by which the City's review of some new development proposals could be limited to being "ministerial."

SB 423 is important because it would make SB 35 permanent and also limit the authority of the City's Planning Commission in certain, limited circumstances, while imposing greater responsibility on the City's Planning Director (or equivalent) in similarly limited circumstances.

As background to our summary of SB 423 below, you may find this Senate Housing Committee summary of SB 35 (from its [analysis](#) of SB 423) useful:

SB 35 (Wiener) created a streamlined approval process for infill projects with two or more residential units in localities that have failed to produce sufficient housing to meet their RHNA. The streamlined approval process requires some level of affordable housing to be included in the housing development. To receive the streamlined process for housing developments, the developer must demonstrate that the development meets a number of requirements including that the development is not on an environmentally sensitive site or would result in the demolition of housing that has been rented out in the last ten years. Localities must provide written documentation to the developer if there is a failure to meet the specifications for streamlined approval, within [a] specified a period of time. If the locality does not meet those deadlines, the development shall be deemed to satisfy the requirements for streamlined approval and must be approved by right.

[E]xisting law requires HCD to determine when a locality is subject to the streamlining and ministerial approval process in SB 35 (Wiener) based on the number of units issued building permits as reported in the annual production report that local governments submit each year as part of housing elements. Streamlining can be turned on at the beginning of the term of housing element (generally eight years but in some cases five) and turned off halfway through if a local government is permitting enough units to meet a proportional

share of the RNHA at all income levels (low-, moderate-, and above moderate-income). If a local government is not permitting enough units to meet its above moderate and its lower income RHNA, a development must dedicate 10% of the units to lower income in the development to receive streamlined, ministerial approval. If the jurisdiction is permitting its above moderate-income and not the lower SB 423 (Wiener) income RHNA, then developments must dedicate 50% of the units for lower income to have access to streamlining.

Setting the stage for SB 423, the Senate Housing Committee also opines that SB 35 has had a positive impact since its passage:

According to data provided by local governments in their annual progress reports (APRs) between 2018 and 2021 statewide, SB 35 has resulted in 19,239 units, 60% of which are affordable to lower income households. This is like an undercount, as some cities have shared with the author and committee that more projects have been approved than HCD has data. For example, San Francisco has received 26 total SB 35 project applications, for a total of 3,404 units, 2,970 of which are affordable. One affordable housing developer, Related, testified in a joint oversight hearing of the Senate Housing Committee and Assembly Housing and Community Development Committee on February 28th, 2023 that they have entitled 818 Units in seven projects, with another 1176 in process — some just months away. In the same hearing, a representative of San Francisco testified that SB 35 has reduced housing permitting times in San Francisco by four times (3-6 months versus 18-24 months). The committee received examples from a regional affordable housing group that their members reduced approval timelines between six and 24 months, depending on the jurisdiction. Clear timelines for affordable housing permitting is particularly critical as affordable developers often require between eight and 12 different sources of funding to make an affordable housing development pencil financially, and any delays risk the loss of available public funds.

Senate Bill 423

State Senator Anthony Weiner (D-San Francisco) is authoring [Senate Bill \(SB\) 423](#) this year. SB 423 is coauthored by Senator Melissa Hurtado (D-Bakersfield) and Assemblymembers Buffy Wicks (D-Berkeley) and Tim Grayson (D-Concord). Senator Weiner chairs the Senate's Housing Committee and Assemblymember Wicks, who is the principal coauthor of SB 423, chairs the Assembly's Housing and Community Development Committee.

1. *Would Remove Sunset Date of Current Requirement re Ministerial Approval of Certain Residential Developments*

SB 423 would repeal the January 2026, sunset date in current law that authorizes a developer to submit an application for a multifamily housing development that is subject to the streamlined, ministerial approval process provided for in SB 35 if the development satisfies specified objective

planning standards (e.g., that the developer has committed to record a land use restriction or covenant providing that any lower or moderate-income housing units required shall remain available at affordable housing costs or rent to persons and families of lower or moderate-income for minimum periods of time specified in the law).

2. Would Further Streamline Local Approvals by Limiting the Authority of the Planning Commission to Approve Projects and Vest the City's Planning Director with the Responsibility to Essentially Unconditionally Approve Projects Meeting Objective Planning Standards

SB 423 would remove the authority of a local government's planning commission to conduct public oversight of a development and would only authorize a limited design review to be conducted by the commission. (This would, in effect, mean the City's Planning Commission would no longer have authority to review and approve projects subject to SB 423 or be permitted to conduct any public oversight of such projects.)

SB 423 would also amend existing law that requires a local government to approve a development if the local government determines the development is consistent with the objective planning standards to instead require approval if a local government's planning director determines the development is consistent with the objective planning standards. In addition, the bill would prohibit a local government from requiring, prior to approving a development that meets the requirements of the streamlining provisions, compliance with any standards necessary to receive a post entitlement permit or studies, information, or other materials that do not pertain directly to determining whether the development is consistent with the objective planning standards.

3. Would Revise Definition of "Objective Planning Standards"

SB 423 would modify the current "objective planning standards" in a number of ways, including deleting the standard that prohibits a multifamily housing development from being subject to the streamlined, ministerial approval process if the development is located in a coastal zone, and by providing an alternative definition for "affordable housing costs" for a development that dedicates 100% of units, exclusive of a manager's unit or units, to lower income households.

SB 423 would also delete the objective planning standards requiring developers to pay at least prevailing wages in favor of permitting a developer to certify to the local government that certain wage and labor standards will be met, including a requirement that all construction workers be paid at least the general prevailing wage.

The analysis of SB 423 hyperlinked above provides a detailed summary of the proposed new law for those interested in reviewing more than this summary. We have also hyperlinked the bill itself for ease of reference.

FISCAL IMPACT

It is not clear if SB 423 would have a fiscal impact on the City, however if there is any impact it would be negligible. The most likely outcome would be that the administrative costs of project reviews subject to the law would be reduced.

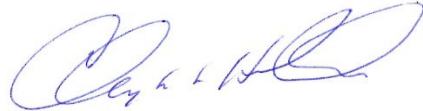
MEASURE OF SUCCESS

The City's ability to successfully introduce and comply with changes in certain project approvals.



Thomas McMorrow

City Attorney



Clay Holstine

City Manager

File Attachments for Item:

R. Countywide Assignments and Subcommittee Reports



CITY of BRISBANE

Subcommittee Update

From April 15th, 2023 to April 28th, 2023

Public Art Advisory Committee 4/17

Cunningham, Davis

Danette Davis and Beth Grossman received accolades and an acknowledgement from the members for their commitment and contribution to the Committee.

Park & Recreation Commissioner Leesa Greenlee was appointed as Chair and Camille Salmon remained appointed as Vice-Chair.

Staff presented the draft Public Art Master Plan Request for Proposal (RFP) to the Committee. After review and discussion, staff will make a couple minor changes, bring it back to the Committee on May 1st and then to Council for approval probably in May.

The Public Art Advisory Committee received a request to have the next meeting sooner than May 15th. The Committee agreed to have a Special meeting on May 1st and cancel the regular meeting on May 15th.

Upcoming Subcommittees:

Public Art Advisory Committee	5/1 4:30pm	Cunningham, Davis
Sierra Point Parkway Design Guidelines Subcom.	5/3 2pm	Lentz, O'Connell