



**CITY OF FOSTER CITY/  
ESTERO MUNICIPAL IMPROVEMENT DISTRICT  
FOSTER CITY COUNCIL CHAMBERS  
620 FOSTER CITY BOULEVARD  
FOSTER CITY, CALIFORNIA**

**Teleconference Location:  
1556 Piedmont Drive  
Deltona, FL 32725  
(415) 519-4279**

**AMENDED**

**AGENDA**

**Monday, October 17, 2016 6:30 PM**

**REGULAR MEETING AS CITY COUNCIL/EMID BOARD OF DIRECTORS**

**PURSUANT TO THE RALPH M. BROWN ACT, ALL VOTES SHALL BE BY ROLL CALL DUE TO COUNCILMEMBER/DIRECTOR GARY POLLARD TELECONFERENCING FROM 1556 PIEDMONT DRIVE, DELTONA, FL 32725**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**

Councilmembers/ex officio EMID Directors Charlie Bronitsky, Sam Hindi, Catherine Mahanpour, Gary Pollard and Mayor/President Herb Perez

**4. SPECIAL PRESENTATIONS**

- 4.1** Association of Bay Area Governments (ABAG) Presentation by Laura Thompson, Bay Trail Project Manager, on the Bay Trail and Its Significance to Foster City

**5. PUBLIC**

FCMC 2.08.240 Addressing the Council. "...Each person desiring to address the

Council shall step up to the public rostrum after being recognized to speak by the presiding officer, shall state his/her name and address for the record, state the subject he/she wishes to discuss, state who he/she is representing if he/she represents an organization or other persons and, unless further time is granted by majority vote of the Council, shall limit his/her remarks to three minutes. The City Council may vary the time limit for any speaker, if it deems this necessary."

## **6. CITY/EMID CONSENT CALENDAR**

All matters listed under Consent Calendar are considered to be routine by the City Council/EMID Board of Directors and will be enacted by one motion unless removed by a member of the Council/Board, staff, or public. There will be no separate discussion on these items unless a citizen or a Council/Board member so requests. If discussion is required, that item will be removed from the Consent Calendar and will be considered separately after approval of the remaining items on the Consent Calendar. Vote may be by roll call.

### **6.1 City Minutes**

#### **6.1.1 Regular Meeting of October 4, 2016**

### **6.2 City Ordinances for Adoption [First City Ordinance Number to be used tonight is 602]**

#### **6.2.1 An Ordinance of the City of Foster City Amending Section 2.36.050, of Chapter 2.36, Citizen Advisory Committees, of Title 2, Administration and Personnel, of the Foster City Municipal Code, Relating to Members – Terms and Removing the Requirement of Staggered Terms and Amending the Requirement of Two-Third Votes to Majority Vote for the Removal of Committee Members. (First Reading October 4, 2016)**

### **6.3 City Resolutions for Adoption [First City Resolution Number to be used tonight is 2016-72]**

#### **6.3.1 A Resolution of the City Council of the City of Foster City Authorizing the City Manager to Execute Documents Accepting the Dedication of Emergency Vehicle Access Easements on the Properties Located at 309 Velocity Way and 309 Bayside Way Owned by Gilead Sciences, Inc., Authorizing the City Attorney to Execute the Associated Certificates of Acceptance, and Authorizing the City Clerk to Record the Documents with the San Mateo County Assessor's Office** a. Staff Report

#### **6.3.2 A Resolution of the City Council of the City of Foster City Approving an Agreement with Schaaf & Wheeler Consulting Engineers in an Amount Not-To-Exceed \$2,324,286 to Provide Professional Consulting Services Including Engineering Design and**

Environmental Regulatory Permitting Services for the Levee  
Protection Planning and Improvements Project (CIP 301-657)  
a. Staff Report

**6.4** City Other

- 6.4.1** By Minute Order, Receive and Accept the Capital Improvement Projects and Land Development Projects Quarterly Status Report for FY 2016-2017  
a. Staff Report

**6.5** EMID Minutes

- 6.5.1** Regular Meeting of October 4, 2016 (See City 6.1.1)

**7. PUBLIC HEARINGS**

- 7.1** A Public Hearing to Hear and Consider Comments Regarding Foster City, as Lead Agency, has completed a Mitigated Negative Declaration (MND) of Environmental Impact (EA-15-003) for the Dredging at Lagoon Intake Structure Capital Improvement Project (CIP 301-629)  
a. Open Public Hearing  
b. Staff Report  
c. Receive Public Testimony  
d. Close Public Hearing  
e. Action - A Resolution of the City Council of the City of Foster City Approving an Initial Study/Mitigated Negative Declaration of Environmental Impact and Adopting a Mitigation Monitoring and Reporting Program for the Dredging at the Lagoon Intake Structure Capital Improvement Project (CIP 301-629) – EA-15-003  
f. Action – A Resolution of the City Council of the City of Foster City Approving the Plans and Specifications and Authorizing the Call for Bids for Dredging at the Lagoon Intake Structure Project (CIP 301-629)

**8. NEW BUSINESS**

- 8.1** Discussion Regarding Use of Community Benefits Funds from Negotiated Development Agreement  
a. Staff Report  
b. Action - By Minute Order, Provide Policy Direction

**9. REPORTS**

- 9.1** Consideration of Basis of Design Overview Report Prepared by Schaaf & Wheeler Consulting Civil Engineers for the Levee Protection Planning and Improvements Project (CIP 301-657)  
a. Staff Report  
b. Action - By Minute Order, Provide Policy Direction and Receive and Accept Report

- 9.2** Consideration of Update from the Recreation Center Master Plan Ad Hoc Subcommittee
  - a. Staff Report
  - b. Action - By Minute Order, Provide Policy Direction
- 9.3** Consideration of Nexus Study for Water and Sewer Connection Fees
  - a. Staff Report
  - b. Action - By Minute Order, Receive and Accept Report

## **10. ORDINANCES FOR INTRODUCTION**

- 10.1** An Interim Urgency Ordinance of the City of Foster City Regulating Cultivation and Prohibiting the Manufacture, Processing, Laboratory Testing, Labeling, Storing, Wholesale, and Retail Distribution of Nonmedical Marijuana in the City of Foster City Pursuant to Government Code Section 65858(A)
  - a. Staff Report
  - b. Action
    - i. Introduce Urgency Ordinance by Title, by Motion Waive Further Reading
    - ii. By Motion Adopt Urgency Ordinance
- 10.2** An Ordinance of the City of Foster City Adding Section 2.03.390, General Municipal Elections Designated, of Chapter 2.08, City Council, of Title 2, Administration and Personnel, of the Foster City Municipal Code, Relating to General Municipal Elections Designated
  - a. Staff Report
  - b. Action
    - i. Introduce Ordinance by Title, by Motion Waive Further Reading
    - ii. By Motion Pass Ordinance to Second Reading

## **11. COMMUNICATIONS**

- 11.1** City/District Warrant of Demands Were Processed and Issued on September 28, 2016, October 5, 2016 and October 10, 2016.
  - a. Information Item Only
  - b. No Action Required

## **12. CITY/DISTRICT MANAGER REPORTS, COUNCIL/BOARD STATEMENTS AND REQUESTS, AND COUNCIL LIAISON REPORTS**

City/District Manager and Council/EMID Board Members report on their various assignments and liaison roles and Council/EMID Board requests for scheduling future items.

### **13. CLOSED SESSION**

- 13.1** Conference with City Labor Negotiators [Pursuant to Government Code Section 54957.6(a)]  
Agency Negotiators: Kevin M. Miller, Jean Savaree, Dante Hall, Ann Ritzma and John Healy  
Employee Organizations: San Mateo County Firefighters, Local 2400, International Association of Firefighters (IAFF)
- 13.2** Conference with Legal Counsel – Anticipated Litigation [Government Code §54956.9(b)]: One Potential Case

### **14. ADJOURNMENT**

**The public is invited to attend.**

Any attendee wishing special accommodations at the meeting should contact the City Clerk's Department at (650) 286-3250 at least 48 hours in advance of the meeting.

**Any writings or documents provided to a majority of the City Council or EMID Board regarding any item on this agenda after the agenda packet was distributed will be made available for public inspection in the City Clerk Department at City Hall located at 610 Foster City Boulevard during normal business hours and at the meeting.**

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**CITY OF FOSTER CITY/  
ESTERO MUNICIPAL IMPROVEMENT DISTRICT**

**REGULAR MEETING OF OCTOBER 4, 2016**

**MINUTES**

**CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS**

The Regular Meeting of October 4, 2016 of the City Council of the City of Foster City, sitting as said Council and as ex officio the Board of Directors of the Estero Municipal Improvement District (EMID), was called to order at 6:30 p.m. in the Council Chambers, 620 Foster City Boulevard, Foster City, San Mateo County, California, by Mayor/President Herb Perez.

**ROLL CALL**

The Communications Director/City Clerk/District Secretary called the roll:

PRESENT: Councilmembers/ex officio Directors Charlie Bronitsky, Sam Hindi, Catherine Mahanpour, Gary Pollard and Mayor/President Herb Perez.

ABSENT: None.

STAFF PRESENT: Kevin M. Miller, City/District Manager; Jean B. Savaree, City Attorney/District Legal Counsel; Dante Hall, Assistant City Manager; Curtis Banks, Community Development Director; Jeff Moneda, Public Works Director; Edmund Suen, Finance Director; Jennifer Liu, Parks and Recreation Director; Joe Pierucci, Police Chief; Ann Ritzma, Human Resources Director; 'Andra Lorenz, Senior Management Analyst; Shuli Chen, Video Technician and Doris L. Palmer, Communications Director/City Clerk/District Secretary/ Recording Secretary.

**SPECIAL PRESENTATIONS**

PROCLAMATION DECLARING "ELAINE PITTS DAY."

On behalf of the City Council, Vice Mayor Bronitsky presented the proclamation declaring October 4, 2016 as "Elaine Pitts Day" to Elain Pitts.

**PUBLIC**

Nag Raj Naidu, 920 Haddock Street, addressed the City Council regarding aircraft noise.

## **CONSENT CALENDAR**

Motion by Vice Mayor/Vice President Bronitsky, seconded by Councilmember/Director Hindi, and carried unanimously, 5-0-0, approving the following items on the City/District Consent Calendar:

### City Consent Calendar

1. Minutes of Special Meeting of September 19, 2016;
2. Minutes of Regular Meeting of September 19, 2016;
3. City Resolution No. 2016-69, "A Resolution of the City Council of the City of Foster City Approving the Modification of the 188-Foot Section of On-Street Parking Zone on the Southerly Side of East Hillsdale Boulevard, East of Edgewater Boulevard;"

### EMID Consent Calendar

4. Minutes of Special Meeting of September 19, 2016;
5. Minutes of Regular Meeting of September 19, 2016; and
6. EMID Resolution No. 3357, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Authorizing the Approval of Expenditure of \$170,000 for the Replacement of Obsolete System Controls and Three Variable Frequency Drives at Sanitary Sewer Pump Station 59."

## **PUBLIC HEARINGS**

FOSTER CITY GARBAGE COLLECTION RATES FOR SOLID WASTE, RECYCLABLES, AND ORGANICS FOR THE YEAR 2017. MINUTE ORDER NO. 1473.

Mayor Perez opened a public hearing to hear and consider comments regarding Foster City Garbage Collection Rates for Solid Waste, Recyclables, and Organics for the Year 2017.

Senior Management Analyst Lorenz presented the staff report.

No public testimony was received.

Without objection from the City Council, Mayor Perez closed the public hearing.

Discussion ensued.

Motion by Vice Mayor Bronitsky, seconded by Councilmember Pollard, and carried unanimously, 5-0-0, to adopt Minute Order No. 1473, directing staff to issue a Proposition 218 Notice for a public hearing to be held on December 19, 2016 that contains the following: 1. Maintaining the 2016 collection rates for 2017; and 2.

Increasing the “Rates for Unscheduled Services” (optional services that are requested by citizens that are above the base service level) by 0.51%.

## **NEW BUSINESS**

UPDATE ON CALIFORNIA SENATE BILL NO. 415 (VOTER PARTICIPATION) AND POLICY DIRECTION REGARDING PROSPECTIVE ELECTION CYCLE. MINUTE ORDER NO. 1474.

City Attorney Savaree presented the staff report.

Discussion ensued.

Motion by Mayor Perez, seconded by Vice Mayor Bronitsky, and carried, 4-1-0, to adopt Minute Order No. 1474, directing staff to move forward with Option 1: Consolidate Future Non-Special Local Elections with the Statewide Elections Starting in 2018. To implement this option, the regularly-scheduled November 2017 and 2019 elections would be moved to November 2018 and 2020, respectively. Then, all future elections would follow the standard four-year term schedule and occur on the same date as state elections. Staff was further directed to prepare an ordinance for introduction outlining the City’s plan for consolidating the City’s municipal elections with the statewide general election cycle.

## **OLD BUSINESS**

DISBANDMENT OF AUDIT, INFORMATION TECHNOLOGY ADVISORY AND PARKS AND RECREATION CITIZEN ADVISORY COMMITTEES AND AMENDMENT TO THE FOSTER CITY MUNICIPAL CODE/ESTERO MUNICIPAL IMPROVEMENT DISTRICT CODE REMOVING STAGGERED TERMS. CITY RESOLUTION NO. 2016-70. EMID RESOLUTION NO. 3358. CITY RESOLUTION NO. 2016-71. EMID RESOLUTION NO. 3359. EMID ORDINANCE NO. 135.

City/District Manager Miller presented the staff report.

Discussion ensued.

Motion by Mayor/ President Perez, seconded by Vice Mayor/Vice President Bronitsky, and carried, 3-2-0, Councilmember/Director Pollard and Councilmember/Director Mahanpour voted “no,” to adopt City Resolution No. 2016-70, “A Resolution of the City Council of the City of Foster City Authorizing the Disbandment of the Audit Committee and Information Technology Advisory Committee,” EMID Resolution No. 3358, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Authorizing the Disbandment of the Audit Committee and Parks and Recreation Committee,” City Resolution No. 2016-71, “A Resolution of the City Council of the City of Foster City Authorizing the Establishment of the Audit Committee, Information Technology Advisory Committee and Parks and Recreation Committee” and EMID

Resolution No. 3359, “A Resolution of the Board of Directors of the Estero Municipal Improvement District Authorizing the Establishment of the Audit Committee.”

Motion by Mayor Perez, seconded by Councilmember Hindi, and carried, 3-2-0, Councilmember Pollard and Councilmember Mahanpour voted “no,” to introduce the ordinance by title and waive further reading of “An Ordinance of the City of Foster City Amending Section 2.36.050, of Chapter 2.36, Citizen Advisory Committees, of Title 2, Administration and Personnel, of the Foster City Municipal Code, Relating to Members – Terms and Removing the Requirement of Staggered Terms” with amendments to change the requirement of two-third votes to majority vote for the removal of any committee members.

Motion by Mayor Perez, seconded by Councilmember Hindi, and carried, 3-2-0, Councilmember Pollard and Councilmember Mahanpour voted “no,” to pass the ordinance to second reading.

Motion by Vice President Bronitsky, seconded by Director Hindi, and carried, 3-2-0, Director Pollard and Director Mahanpour voted “no,” to introduce the ordinance by title and waive further reading of “An Ordinance of the Estero Municipal Improvement District Amending Section 2.28.050, of Chapter 2.28, Citizen Advisory Committees, of Title 2, Administration and Personnel, of the Estero Municipal Improvement District Code, Relating to Members – Terms and Removing the Requirement of Staggered Terms and Amending the Requirement of Two-Third Votes to Majority Vote for the Removal of Committee Members” with amendments to change the requirement of two-third votes to majority vote for the removal of any committee members.

Motion by Vice President Bronitsky, seconded by Director Hindi, and carried, 3-2-0, Director Pollard and Director Mahanpour voted “no,” to adopt EMID Ordinance No. 135, “An Ordinance of the Estero Municipal Improvement District Amending Section 2.28.050, of Chapter 2.28, Citizen Advisory Committees, of Title 2, Administration and Personnel, of the Estero Municipal Improvement District Code, Relating to Members – Terms and Removing the Requirement of Staggered Terms and Amending the Requirement of Two-Third Votes to Majority Vote for the Removal of Committee Members.”

## **COMMUNICATIONS**

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

The City/District Warrant of Demands were processed and issued on September 07, 2016, September 12, 2016, September 14, 2016, September 21, 2016 and September 26, 2016 were listed on the agenda for information purposes only. No action was taken.

## **COUNCIL/BOARD STATEMENTS AND REQUESTS, COUNCIL LIAISON REPORTS, AND CITY/DISTRICT MANAGER REPORTS**

City/District Manager Miller stated that there will be a Joint City Council and Planning Commission special meeting on Monday, October 10th at 6:30 PM in the Council Chambers. He also announced the roll-out of the Scoop Technologies Application, to which the City will be devoting \$60,000 of its Sustainability Foster City Fund in its six-month pilot period.

Councilmember/Director Mahanpour stated that she attended the Airport Land Use Committee Meeting which, was cancelled due to no quorum. She also attended the Peninsula Clean Energy (PCE) board meeting on behalf of Councilmember/Director Pollard. She wished the program great success as it launches and added that they will begin holding monthly meetings on every 4th Thursday. She also attended the Infrastructure Subcommittee meeting and they discussed water and sewer fees. She also attended the Council of City dinner in Portola Valley and found the stories of Assemblyman Rich Gordon engaging.

Councilmember/Director Hindi stated that he attended the Select Committee on South Bay Arrival last Thursday to discuss the issue of airplane noise. The introduction of NextGen has escalated the problem to a different level. He hopes to start a non-official citizens group in which members of the community who are interested in the issue and/or technically savvy can collaborate to come up with solutions. Additionally, he expressed excitement over the introduction of the Scoop App as well as the launching of the rebate program for solar panels, mentioning that these sustainability projects are helping the community and illustrating the efforts of a Council that takes action. He stated that he hoped the Council would continue to do business in the same way.

Councilmember/Director Pollard verified with City Manager Kevin Miller that the marquee has been installed.

Vice Mayor/Vice President Bronitsky wished a Happy New Year to the Jewish community. He also stated that he attended the Rotary Club of Foster City's Rib Fest on the previous Saturday and praised the Interact Club of Bowditch Middle School for serving their community by volunteering at the event. He stated he would attend the executive committee meeting for the South Bayside Waste Management Authority (SBWMA). He provided an update on the fire at Recology, stating that there are no explanations for the fire other than the machinery spontaneously igniting. Lastly, he urged everyone to read his Council Corner article.

Mayor/President Perez wished a Happy New Year to the Jewish Community. He stated that the success of the Council is based on its membership and the fact that it is a working council that spends a lot of time with staff. He mentioned his trip to Vietnam and Korea where he was asked by the Olympic Council of Asia (for which he used to serve as the Director of International Relations) to help increase sports programs in Brunei, Bhutan, and Oman. He also thanked Rick Wykoff's advice of remembering that his job

as a councilmember is to make decisions. Finally, he mentioned the City's Halloween Fest on October 29th and the upcoming Tree Lighting Ceremony in December.

## **CLOSED SESSION**

Mayor/President Perez recessed the meeting into Closed Session for the following:

1. Conference with Real Property Negotiators [Government Code Section 54956.8]  
Property: Cell Tower at 724 Baffin Street and Cell Tower at Edgewater Park  
Agency Negotiators: Kevin M. Miller, Jean Savaree and Dante Hall  
Negotiating Parties: AT&T/Black Dot and Sprint Spectrum L.P./Crown Castle  
Under Negotiation: Lease Term and Price;
2. Conference with City Labor Negotiators [Pursuant to Government Code Section 54957.6(a)]  
Agency Negotiators: Kevin M. Miller, Jean Savaree, Dante Hall, Ann Ritzma and John Healy  
Employee Organizations: San Mateo County Firefighters, Local 2400, International Association of Firefighters (IAFF); and
3. Conference with Legal Counsel – Anticipated Litigation [Government Code §54956.9(b)]: One Potential Case.

Meeting recessed into Closed Session at 7:49 p.m. and reconvened at 8:12 p.m.

Mayor/President Perez reported that no action was taken in Closed Session.

## **ADJOURNMENT**

Hearing no objection from the City Council/EMID Board, Mayor/President Perez adjourned the meeting. Meeting adjourned at 8:12 p.m.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING SECTION 2.36.050, OF CHAPTER 2.36, CITIZEN ADVISORY COMMITTEES, OF TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE FOSTER CITY MUNICIPAL CODE, RELATING TO MEMBERS – TERMS AND REMOVING THE REQUIREMENT OF STAGGERED TERMS AND AMENDING THE REQUIREMENT OF TWO-THIRD VOTES TO MAJORITY VOTE FOR THE REMOVAL OF COMMITTEE MEMBERS

CITY OF FOSTER CITY

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES ORDAIN, as follows:

Section 1. §1 of Ordinance 531 (part) of the Foster City Municipal Code is amended to read as follows:

Section 2.36.050 Members – Terms

Each member of a committee shall serve without compensation for a term of three years and at the pleasure of the council. Removal of any committee member shall be upon a majority vote of the council.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 3. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 4. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the 4th day of October, 2016 and passed and adopted on the 17th day of October, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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HERB PEREZ, MAYOR

ATTEST:

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DORIS L. PALMER, CITY CLERK





DATE: October 17, 2016

TO: Mayor and Members of the City Council

VIA: Kevin M. Miller, City Manager

FROM: Jeff Moneda, Public Works Director/City Engineer

SUBJECT: ACCEPTANCE OF EMERGENCY VEHICLE ACCESS EASEMENTS ON  
309 VELOCITY WAY AND PG309 VELOCITY WAY FROM GILEAD  
SCIENCES, INC. TO THE CITY OF FOSTER CITY

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#### RECOMMENDATION

It is recommended that the City Council adopt the attached resolution authorizing:

1. The City Manager to execute documents accepting the dedication of Emergency Vehicle Access Easements (EVAE) on 309 Velocity Way and PG309 Velocity Way owned by Gilead Sciences, Inc. (Gilead);
2. The City Attorney to execute the associated Certificates of Acceptance; and
3. The City Clerk to record the documents with the San Mateo County Assessor's Office.

#### EXECUTIVE SUMMARY

As conditions of approval for the new 10-story office building, parking lot and meeting center annex at 309 Velocity Way; and the new six-story parking garage at PG309 Velocity Way, Gilead is required to grant and record an EVAE prior to issuance of Certificates of Occupancy for these approved improvements. The EVAE will allow access by Police, Fire, and Public Works vehicles responding to emergencies. Approval of the attached resolution will allow recordation of the documents with the San Mateo County Assessor's Office.

## BACKGROUND

On April 3, 2014, the Planning Commission of the City of Foster City adopted Resolution No. P-14-14, approving a Use Permit (UP-13-008) for the construction of a new 10-story, 164-foot tall, 314,524-square-foot office building and an at-grade parking lot at 309 Velocity Way on the Gilead Sciences Corporate North Campus in Vintage Park (NB 309) as part of the Gilead Sciences Corporate Campus Master Plan. On March 19, 2015, the Planning Commission of the City of Foster City adopted Resolution No. P-14-15, approving a Use Permit (UP-13-008A) for the construction of a one-story, 27,698-square-foot meeting center addition on 309 Velocity Way (MC 309).

As conditions of approval for NB 309 and MC 309, Gilead is required to grant and record an EVAE over 309 Velocity Way prior to issuance of a permanent Certificate of Occupancy for these improvements. Gilead received temporary Certificates of Occupancy for NB 309 on May 5, 2016 and for MC 309 on July 6, 2016. The two buildings are substantially complete except for the relocation of Lift Station No. 28 and the landscape improvements, which are expected to be completed by the end of the year.

On May 1, 2014, the Planning Commission of the City of Foster City adopted Resolution No. P-18-14, approving a Use Permit (UP-14-001) for the construction of a six-story parking garage (PG 309) to service the campus. As a condition of approval, Gilead is required to record an EVAE over PG309 Velocity Way prior to a Certificate of Occupancy for PG 309. Gilead received a temporary Certificate of Occupancy for PG 309 on May 5, 2016. PG 309 is substantially complete, with lighting improvements expected to be completed soon.

## ANALYSIS

The EVAEs dedicated to the City will provide access for emergency vehicles between Bayside Way and Velocity Way to the new office building and meeting center; and access between Marsh Drive and Bayside Way to the new parking garage. Staff from the Public Works Engineering and Fire Departments have reviewed and approved the legal description and diagrams of the proposed EVAE. Approval of the attached resolution authorizes the City Manager to execute the documents needed to accept the dedication of the new EVAE, the City Attorney to execute the Certificates of Acceptance, and the City Clerk to record the documents with the San Mateo County Assessor's Office.

### FISCAL IMPACT

No fiscal impact.

#### Attachments:

- Resolution
- Attachment 1 - Grant of Easement Agreement - 309 Velocity Way (EVAE)
- Attachment 2 - Grant of Easement Agreement - PG309 Velocity Way (EVAE)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS ACCEPTING THE DEDICATION OF EMERGENCY VEHICLE ACCESS EASEMENTS ON THE PROPERTIES LOCATED AT 309 VELOCITY WAY AND PG309 VELOCITY WAY OWNED BY GILEAD SCIENCES, INC., AUTHORIZING THE CITY ATTORNEY TO EXECUTE THE ASSOCIATED CERTIFICATES OF ACCEPTANCE, AND AUTHORIZING THE CITY CLERK TO RECORD THE DOCUMENTS WITH THE SAN MATEO COUNTY ASSESSOR'S OFFICE

CITY OF FOSTER CITY

WHEREAS, Gilead Sciences, Inc. (Gilead) is the owner of that certain real property located at 309 Velocity Way (APN 094-122-060) and PG309 Velocity Way (APN 094-122-050 ); and

WHEREAS, on April 3, 2014, the Planning Commission of the City of Foster City adopted Resolution No. P-14-14 approving a Use Permit (UP-13-008) to allow the construction of a 10-story, 164-foot tall, 314,524-square-foot office building and an at-grade parking lot at 309 Velocity Way on the Gilead Sciences Corporate North Campus in Vintage Park (NB 309); and

WHEREAS, on March 19, 2015, the Planning Commission of the City of Foster City adopted Resolution No. P-14-15, approving a Use Permit (UP-13-008A) for the construction of a one-story, 27,698-square-foot meeting center addition on 309 Velocity Way (MC 309); and

WHEREAS, as a condition of approval of NB 309 and MC 309 and prior to issuance of a Certificate of Occupancy for these improvements, Gilead is required to grant to the City and record an Emergency Vehicle Access Easement (EVAE) over 309 Velocity Way allowing access by Police, Fire, and Public Works vehicles responding to emergencies or maintaining, exercising, flushing, or testing emergency equipment including fire hydrants, Fire Department connections, and any public utilities on 309 Velocity Way property (309 Velocity Way EVAE); and

WHEREAS, on May 1, 2014, the Planning Commission of the City of Foster City adopted Resolution No. P-18-14, approving a Use Permit (UP-14-001) to allow the construction of a six-story parking garage located at PG309 Velocity Way on the Gilead Sciences Corporate North Campus in Vintage Park (PG 309); and

WHEREAS, as a condition of approval of PG 309 and prior to issuance of a Certificate of Occupancy for PG 309, Gilead is required to grant to the City and record an EVAE over PG309 Velocity Way for access by Police, Fire, and Public Works vehicles responding to emergencies or maintaining, exercising, flushing, or testing

emergency equipment including fire hydrants, Fire Department connections, and any public utilities on PG309 Velocity Way property (PG309 Velocity Way EVAE); and

WHEREAS, the Parties desire to enter into the Grants of Easement, substantially in the form on file with the City Clerk, which set forth in recordable form the Grants of Easement for the 309 Velocity Way EVAE and the PG309 Velocity Way EVAE from Gilead to the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Foster City does hereby approve as follows:

Section 1. Findings. The City Council hereby finds that all conditions precedent to City accepting the Grants of Easement have been satisfactorily completed.

Section 2. Grants of Easement. The City Council hereby (1) approves the Grants of Easement with Gilead Sciences, Inc., substantially in the form on file with the City Clerk, subject to minor technical conforming changes as may be approved by the City Attorney; (2) authorizes the City Manager to execute said Grants of Easement; (3) authorizes the City Attorney to execute a Certificate of Acceptance; and (4) authorizes the City Clerk to record the documents with the San Mateo County Assessor's Office.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this resolution. The City Council of the City of Foster City hereby declares that it would have adopted the resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 17<sup>th</sup> day of October 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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HERB PEREZ, MAYOR

ATTEST:

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DORIS L. PALMER, CITY CLERK

RECORDING REQUESTED BY AND  
AFTER RECORDATION RETURN TO:

Doris Palmer, City Clerk  
City of Foster City  
610 Foster City Boulevard  
Foster City, CA 94404

Exempt from payment of recording fees  
pursuant to Government Code 27383.

THIS SPACE FOR RECORDER'S USE ONLY

### GRANT OF EASEMENT

This Grant of Easement ("**Grant of Easement**") is entered into as of October 7, 2016 ("**Effective Date**"), by and between the City of Foster City, a California municipal corporation ("**City**") and Gilead Sciences, Inc., a Delaware corporation ("**Owner**").

### RECITALS

A. **Owner** owns and occupies the site located at 309 Velocity Way, in the City of Foster City, County of San Mateo, State of California, designated as APN 094-122-060 ("**Owner Property**"). A new office building and meeting center have been constructed on the **Owner Property**.

B. As a condition of approval for the new office building and a condition of approval for the new meeting center, **Owner** is required to record an easement for access by Police, Fire and Public Work Vehicles responding to emergencies or maintaining, exercising, flushing or testing emergency equipment including fire hydrants, fire department connections, and any public utilities on the **Owner Property**.

C. **Owner** now proposes, and **City** agrees, that **Owner** shall fulfill these conditions of approval by recordation of this **Grant of Easement**.

### AGREEMENT

NOW THEREFORE, the parties agree as follows:

1. Grant of Easement. For valuable consideration, **Owner** hereby grants and dedicates to **City** the following easement:

a. A perpetual, exclusive right-of-way easement for access by Police,

Fire and Public Work Vehicles responding to emergencies or maintaining, exercising, flushing or testing emergency equipment including fire hydrants, fire department connections, and any public utilities on the **Owner Property** ("**Emergency Vehicle Access Easement**"), in, on, over, under, along and across that portion of **Owner Property** as more particularly described and depicted in Exhibits A and B, incorporated herein by this reference.

2. Miscellaneous Provisions.

a. Entire Agreement. This **Grant of Easement** contains the entire understanding and agreement of the parties hereto relating to the rights herein granted and the obligations herein set forth herein. Any prior, contemporaneous, or subsequent written or oral representations and modifications concerning this **Grant of Easement** shall be of no force or effect. This **Grant of Easement** may be amended only by a written instrument signed by **Owner and City**.

b. Counterparts. This **Grant of Easement** may be executed in one or more counterparts, each of which shall, for all purposes, be deemed an original and all such counterparts, taken together, shall constitute one and the same instrument.

c. Recitals; Exhibits. The Recitals above and Exhibits attached hereto are incorporated herein by reference.

d. Binding on Successors and Assigns. **Owner Property** is to be burdened by, and **City** is to be benefited by, the provisions of this **Grant of Easement**, and the Property shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied, and improved subject to the foregoing easements, limitations, restrictions, obligations and conditions. All provisions of this **Grant of Easement** shall run with the land and be binding upon all parties having or acquiring any right, title, or interest in the Property, and shall be binding upon and inure to the benefit of the **City** and its and their successors and assigns.

e. Partial Invalidity. If any term or provision of this **Grant of Easement** or the application of it to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this **Grant of Easement** or the application of such term or provision to persons or circumstances, other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this **Grant of Easement** shall be valid and shall be enforced to the extent permitted by law.

4. Exhibits. The following exhibits are attached to this **Grant of Easement** and are hereby incorporated herein by this reference for all purposes as if set forth herein in full:

Exhibits A and B      Emergency Vehicle Access Easement Area

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused this **Grant of Easement** to be duly executed as of the Effective Date.

CITY:

CITY OF FOSTER CITY,  
a municipal corporation

By: \_\_\_\_\_  
Name: Kevin Miller  
Title: City Manager  
*(signature must be notarized)*

ATTEST:

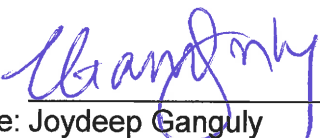
By: \_\_\_\_\_  
Doris Palmer, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Jean B. Savaree, City Attorney

OWNER:

GILEAD SCIENCES, INC.,  
a Delaware corporation

By:  \_\_\_\_\_  
Name: Joydeep Ganguly  
Title: Vice President, Facilities and Operations  
*(signature must be notarized)*

## CERTIFICATE OF ACCEPTANCE

This is to certify that the real property conveyed by Grant of Easement dated October 7, 2016, from Owner to City is hereby accepted by the undersigned City Attorney on behalf of the City pursuant to the authority conferred by the Resolution approving an easement for access by Police, Fire and Public Work Vehicles responding to emergencies or maintaining, exercising, flushing or testing emergency equipment including fire hydrants, fire department connections, and any public utilities on the **Owner Property**, adopted by the City Council of the City of Foster City on \_\_\_\_\_, 2016, and Owner consents to the recordation thereof by its duly authorized representative.

Dated \_\_\_\_\_, 2016

---

JEAN B. SAVAREE

City Attorney, City of Foster City

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

State of California  
County of San Mateo

On October 7, 2016 before me, Stephanie Dong, Notary Public  
(here insert name and title of officer),

personally appeared Joydeep Ganguly, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

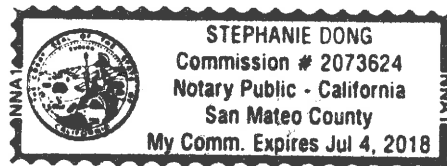
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Stephanie Dong

(Seal)



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

State of California  
County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
(here insert name and title of officer),

personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

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

State of California  
County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
(here insert name and title of officer),

personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

Exhibit A

*[See Attached]*



ENGINEERS  
SURVEYORS  
PLANNERS

100+  
YEARS

October 5, 2016  
BKF Job No: 20167054A

**EXHIBIT "A"**  
**Legal Description**  
**EMERGENCY VEHICLE ACCESS EASEMENT**  
**309 Velocity Way, Foster City, CA 94404**

Real property situate in the City of Foster City, County of San Mateo, State of California described as follows:

**Being** a portion of Lot 4 as shown on Tract No. 143-97 filed on August 27, 1997 in Book 128 of Maps at Pages 5 through 8, inclusive, in the Office of the County Recorder of San Mateo County, more particularly described as follows;

**Commencing** at a city standard monument set on the centerline of Vintage Park Drive at the southwesterly terminus of the course described as "South 46°42'08" West, 384.84 feet adjacent to Lot 6 as shown on Tract No. 92-83 filed on December 3, 1985 in Book 114 of Maps at Pages 27 through 31, inclusive, in the Office of the County Recorder of said county;

Thence along said centerline, North 46°42'08" East, 272.36 feet to the point of intersection of said centerline and the southeasterly prolongation of the northeasterly line of said Lot 4 (128 M 5-8);

Thence along said prolongation, North 42°15'10" West, 45.01 feet to the easterly corner of said Lot 4;

Thence along the northeasterly line of said Lot 4, North 42°15'10" West, 26.53 feet to the beginning of a non-tangent curve to the left, concave southerly, having a radius of 30.00 feet, from the center of said curve a radial line bears North 40°07'58" East, said point being also the **TRUE POINT OF BEGINNING** of this description;

Thence leaving the northeasterly line of said Lot 4 the following five (5) courses:

- 1) Along said curve through a central angle of 82°23'08", an arc length of 43.14 feet;
- 2) South 47°44'50" West, 198.88 feet to the beginning of a tangent curve to the right, having a radius of 160.00 feet;
- 3) Along said curve through a central angle of 37°13'45", an arc length of 103.96 feet to the beginning of a compound curve, having a radius of 195.00 feet, from the center of said curve a radial line bears South 5°01'25" East;
- 4) Along said curve through a central angle of 60°26'43", an arc length of 205.72 feet;
- 5) North 34°34'42" West, 166.08 feet to the northwesterly line of said Lot 4;

Thence along said northwesterly line North 47°44'50" East, 47.12 feet to the beginning of a non-tangent curve, concave easterly, having a radius of 30.00 feet, from the center of said curve a radial line bears North 52°38'02" West;

Thence leaving said northwesterly line the following ten (10) courses:

- 1) Along said curve through a central angle of 71°56'40", an arc length of 37.67 feet;
- 2) South 34°34'42" East, 143.85 feet to the beginning of a tangent curve to the left, having a radius of 169.00 feet;
- 3) Along said curve through a central angle of 60°26'43", an arc length of 178.29 feet to the beginning of a compound curve, having a radius of 134.00 feet, from the center of said curve a radial line bears South 5°01'25" East;
- 4) Along said curve through a central angle of 37°13'45", an arc length of 87.07 feet;
- 5) North 47°44'50" East, 83.62 feet to the beginning of a tangent curve to the left, having a radius of 10.00 feet;
- 6) Along said curve through a central angle of 90°00'00", an arc length of 15.71 feet;

4670 Willow Road  
Suite 250  
Pleasanton  
California 94588  
phone 925.396.7700  
fax 925.396.7799  
www.bkf.com

Sheet 1 of 3



October 5, 2016  
BKF Job No: 20167054A

- 7) North  $42^{\circ}15'10''$  West, 112.50 feet to the beginning of a tangent curve to the right, having a radius of 26.00 feet;
- 8) Along said curve through a central angle of  $90^{\circ}00'00''$ , an arc length of 40.84 feet;
- 9) North  $47^{\circ}44'50''$  East, 99.50 feet to the beginning of a tangent curve to the left, having a radius of 10.00 feet;
- 10) Along said curve through a central angle of  $71^{\circ}48'19''$ , an arc length of 12.53 feet to the northeasterly line of said Lot 4;

Thence along said northeasterly line South  $42^{\circ}15'10''$  East, 39.76 feet to the beginning of a non-tangent curve, concave southerly, having a radius of 10.00 feet, from the center of said curve a radial line bears North  $29^{\circ}33'09''$  East;

Thence leaving said northeasterly line the following seven (7) courses:

- 1) Along said curve through a central angle of  $71^{\circ}48'19''$ , an arc length of 12.53 feet;
- 2) South  $47^{\circ}44'50''$  West, 21.50 feet to the beginning of a tangent curve to the left, having a radius of 5.00 feet;
- 3) Along said curve through a central angle of  $90^{\circ}00'00''$ , an arc length of 7.85 feet;
- 4) South  $42^{\circ}15'10''$  East, 112.50 feet to the beginning of a tangent curve to the left, having a radius of 5.00 feet;
- 5) Along said curve through a central angle of  $90^{\circ}00'00''$ , an arc length of 7.85 feet to "Point A" (being referenced for description purposes only);
- 6) North  $47^{\circ}44'50''$  East, 16.50 feet to the beginning of a tangent curve to the left, having a radius of 15.00 feet;
- 7) Along said curve through a central angle of  $75^{\circ}09'49''$ , an arc length of 19.68 feet to the northeasterly line of said Lot 4;

Thence along said northeasterly line South  $42^{\circ}15'10''$  East, 63.18 feet to the **TRUE POINT OF BEGINNING**.

**EXCEPTING** therefrom the following:

**Commencing** at the above referenced "Point A" being a point at the easterly terminus of a curve, having a radius of 5.00 feet, central angle of  $90^{\circ}00'00''$ , and arc length of 7.85 feet;

Thence South  $47^{\circ}44'50''$  West, 36.00 feet to the **TRUE POINT OF BEGINNING**.

Thence the following eight (8) courses:

- 1) South  $47^{\circ}44'50''$  West, 26.00 feet to the beginning of a tangent curve to the right, having a radius of 5.00 feet;
- 2) Along said curve through a central angle of  $90^{\circ}00'00''$ , an arc length of 7.85 feet;
- 3) North  $42^{\circ}15'10''$  West, 112.50 feet to the beginning of a tangent curve to the right, having a radius of 5.00 feet;
- 4) Along said curve through a central angle of  $90^{\circ}00'00''$ , an arc length of 7.85 feet;
- 5) North  $47^{\circ}44'50''$  East, 26.00 feet to the beginning of a tangent curve to the right, having a radius of 5.00 feet;
- 6) Along said curve through a central angle of  $90^{\circ}00'00''$ , an arc length of 7.85 feet;
- 7) South  $42^{\circ}15'10''$  East, 112.50 feet to the beginning of a tangent curve to the right, having a radius of 5.00 feet;
- 8) Along said curve through a central angle of  $90^{\circ}00'00''$ , an arc length of 7.85 feet to the **TRUE POINT OF BEGINNING**.



ENGINEERS  
SURVEYORS  
PLANNERS

100+  
YEARS

October 5, 2016  
BKF Job No: 20167054A

Containing 29,311 square feet more or less.

As shown on plat attached hereto and by this reference made part hereof as Exhibit B.

For: BKF Engineers

Davis Thresh, P.L.S. No. 6868

10-5-2016  
Dated

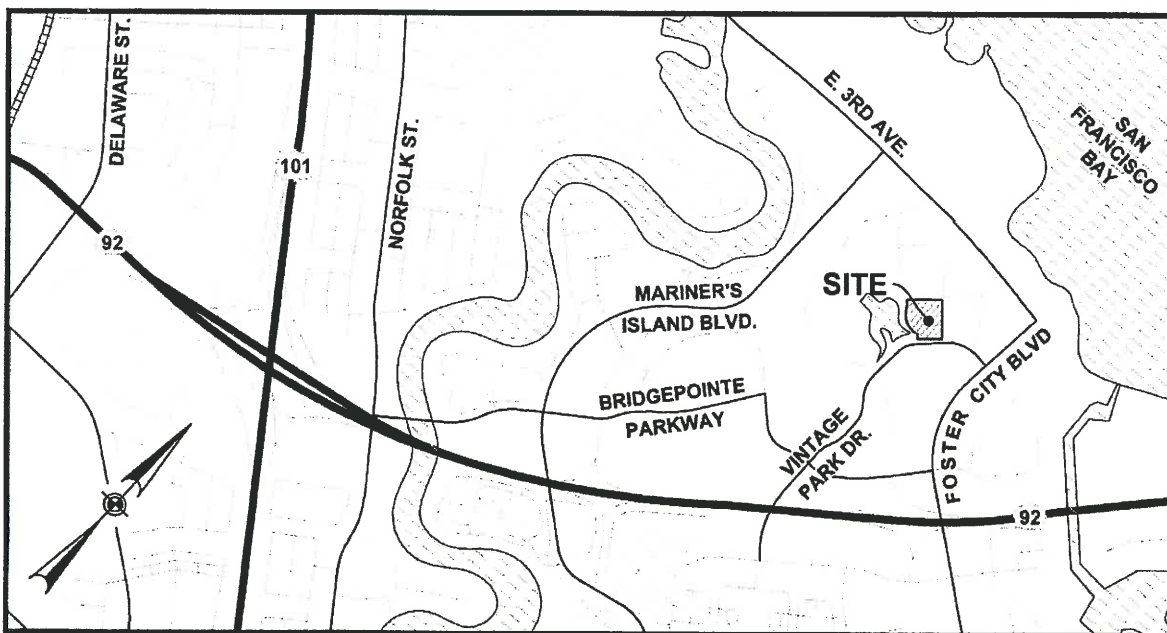


Exhibit B

*[See Attached]*

# EXHIBIT "B"

## EMERGENCY VEHICLE ACCESS EASEMENT FOSTER CITY, SAN MATEO COUNTY, CALIFORNIA



VICINITY MAP  
NOT TO SCALE

LINE TABLE		
	DIRECTION	LENGTH
L1	S47°44'50"W	21.50'
L2	N47°44'50"E	16.50'
L3	S47°44'50"W	36.00'
L4	S47°44'50"W	26.00'
L5	N47°44'50"E	26.00'

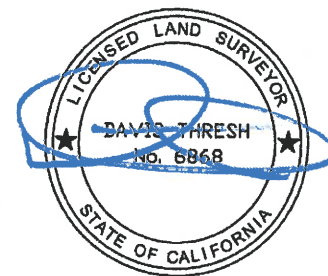
CURVE TABLE			
	RADIUS	DELTA	LENGTH
C1	30.00'	82°23'08"	43.14'
C2	30.00'	71°56'40"	37.67'
C3	10.00'	90°00'00"	15.71'
C4	10.00'	71°48'19"	12.53'
C5	5.00'	90°00'00"	7.85'
C6	15.00'	75°09'49"	19.68'

### BASIS OF BEARINGS

SOUTH 46°42'08" WEST, BEING THE CENTERLINE OF VINTAGE PARK DRIVE BETWEEN TWO CITY STANDARD MONUMENTS AS SHOWN ON TRACT NO. 92-83 FILED ON DECEMBER 3, 1985 IN BOOK 114 OF MAPS AT PAGES 27-31, IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY.

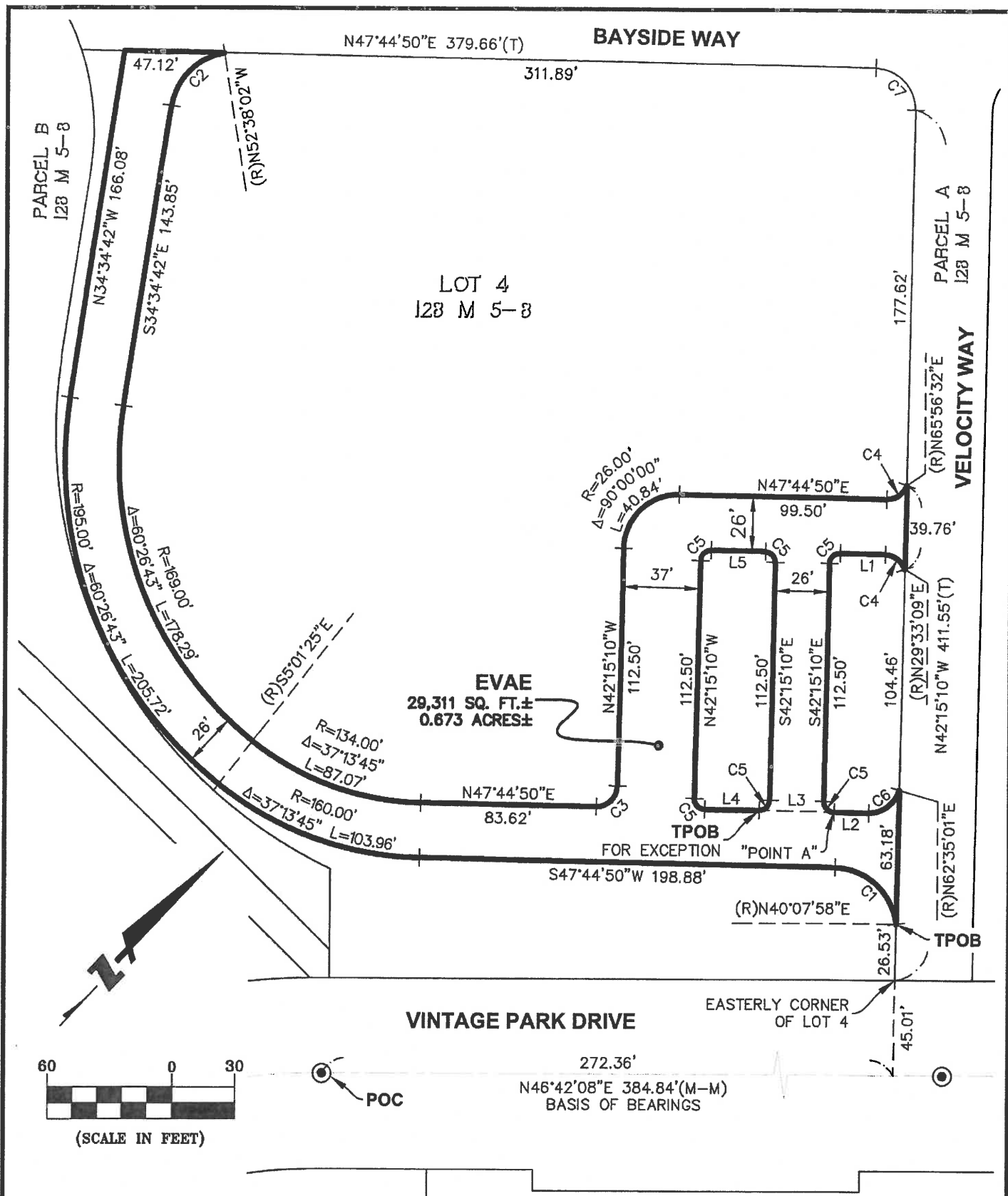
### LEGEND

- EVAE = EMERGENCY VEHICLE ACCESS EASEMENT
- M = BOOK AND PAGE OF MAPS
- (M-M) = MONUMENT TO MONUMENT
- POC = POINT OF COMMENCEMENT
- TPOB = TRUE POINT OF BEGINNING
- (R) = RADIAL BEARING
- (T) = TOTAL DISTANCE
- ⊙ = STANDARD CITY MONUMENT



4670 WILLOW RD  
SUITE 250  
PLEASANTON, CA 94588  
925-396-7700  
925-396-7799 (FAX)

Subject EMERGENCY VEHICLE  
ACCESS EASEMENT  
Job No. 20167054A  
By MR Date 10/5/16 Chkd. WS  
SHEET 1 OF 2



RECORDING REQUESTED BY AND  
AFTER RECORDATION RETURN TO:

Doris Palmer, City Clerk  
City of Foster City  
610 Foster City Boulevard  
Foster City, CA 94404

Exempt from payment of recording fees  
pursuant to Government Code 27383.

THIS SPACE FOR RECORDER'S USE ONLY

## GRANT OF EASEMENT

This Grant of Easement ("**Grant of Easement**") is entered into as of October 7, 2016 ("**Effective Date**"), by and between the City of Foster City, a California municipal corporation ("**City**") and Gilead Sciences, Inc., a Delaware corporation ("**Owner**").

## RECITALS

A. **Owner** owns and occupies the site located at PG309 Velocity Way, in the City of Foster City, County of San Mateo, State of California, designated as APN 094-122-050 ("**Owner Property**"). A new parking garage has been constructed on the **Owner Property**.

B. As a condition of approval for the new parking garage, **Owner** is required to record an easement for access by Police, Fire and Public Work Vehicles responding to emergencies or maintaining, exercising, flushing or testing emergency equipment including fire hydrants, fire department connections, and any public utilities on the **Owner Property**.

C. **Owner** now proposes, and **City** agrees, that **Owner** shall fulfill this condition of approval by recordation of this **Grant of Easement**.

## AGREEMENT

NOW THEREFORE, the parties agree as follows:

1. Grant of Easement. For valuable consideration, **Owner** hereby grants and dedicates to **City** the following easement:

a. A perpetual, exclusive right-of-way easement for access by Police, Fire and Public Work Vehicles responding to emergencies or maintaining, exercising, flushing or testing emergency equipment including fire hydrants, fire department connections, and any public utilities on the **Owner Property** ("**Emergency Vehicle Access Easement**"), in, on,

over, under, along and across that portion of **Owner Property** as more particularly described and depicted in Exhibits A and B, incorporated herein by this reference.

2. Miscellaneous Provisions.

a. Entire Agreement. This **Grant of Easement** contains the entire understanding and agreement of the parties hereto relating to the rights herein granted and the obligations herein set forth herein. Any prior, contemporaneous, or subsequent written or oral representations and modifications concerning this **Grant of Easement** shall be of no force or effect. This **Grant of Easement** may be amended only by a written instrument signed by **Owner and City**.

b. Counterparts. This **Grant of Easement** may be executed in one or more counterparts, each of which shall, for all purposes, be deemed an original and all such counterparts, taken together, shall constitute one and the same instrument.

c. Recitals; Exhibits. The Recitals above and Exhibits attached hereto are incorporated herein by reference.

d. Binding on Successors and Assigns. **Owner Property** is to be burdened by, and **City** is to be benefited by, the provisions of this **Grant of Easement**, and the Property shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied, and improved subject to the foregoing easements, limitations, restrictions, obligations and conditions. All provisions of this **Grant of Easement** shall run with the land and be binding upon all parties having or acquiring any right, title, or interest in the Property, and shall be binding upon and inure to the benefit of the **City** and its and their successors and assigns.

e. Partial Invalidity. If any term or provision of this **Grant of Easement** or the application of it to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this **Grant of Easement** or the application of such term or provision to persons or circumstances, other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this **Grant of Easement** shall be valid and shall be enforced to the extent permitted by law.

4. Exhibits. The following exhibits are attached to this **Grant of Easement** and are hereby incorporated herein by this reference for all purposes as if set forth herein in full:

Exhibits A and B      Emergency Vehicle Access Easement Area

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused this **Grant of Easement** to be duly executed as of the Effective Date.

CITY:

CITY OF FOSTER CITY,  
a municipal corporation

By: \_\_\_\_\_  
Name: Kevin Miller  
Title: City Manager  
(signature must be notarized)

ATTEST:

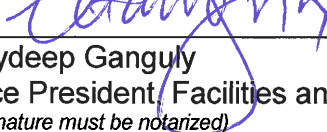
By: \_\_\_\_\_  
Doris Palmer, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Jean B. Savaree, City Attorney

OWNER:

Gilead Sciences, Inc.,  
a Delaware corporation

By:  \_\_\_\_\_  
Name: Joydeep Ganguly  
Title: Vice President, Facilities and Operations  
(signature must be notarized)

## CERTIFICATE OF ACCEPTANCE

This is to certify that the real property conveyed by Grant of Easement dated October 7, 2016, from Owner to City is hereby accepted by the undersigned City Attorney on behalf of the City pursuant to the authority conferred by the Resolution approving an easement for access by Police, Fire and Public Work Vehicles responding to emergencies or maintaining, exercising, flushing or testing emergency equipment including fire hydrants, fire department connections, and any public utilities on the **Owner Property**, adopted by the City Council of the City of Foster City on \_\_\_\_\_, 2016, and Owner consents to the recordation thereof by its duly authorized representative.

Dated \_\_\_\_\_, 2016

---

JEAN B. SAVAREE

City Attorney, City of Foster City

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

State of California  
County of San Mateo

On October 7, 2016 before me, Stephanie Dong, Notary Public  
(here insert name and title of officer),

personally appeared Jaydeep Ganguly, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

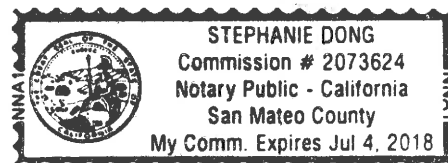
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Stephanie Dong

(Seal)



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

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
(here insert name and title of officer),

personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

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

State of California  
County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_  
(here insert name and title of officer),

personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

Exhibit A

*[See Attached]*



ENGINEERS  
SURVEYORS  
PLANNERS

100+  
YEARS

October 7, 2016  
BKF Job No: 20167054B

**EXHIBIT "A"**  
**Legal Description**  
**EMERGENCY VEHICLE ACCESS EASEMENT**  
**PG309 Velocity Way, Foster City, CA 94404**

Real property situate in the City of Foster City, County of San Mateo, State of California described as follows:

**Being** a portion of Lot 3 as shown on Tract No. 143-97 filed on August 27, 1997 in Book 128 of Maps at Pages 5 through 8, inclusive, in the Office of the County Recorder of San Mateo County, more particularly described as follows;

**Commencing** at a city standard monument set on the centerline of Vintage Park Drive at the northeasterly terminus of the course described as "South 46°42'08" West, 384.84 feet adjacent to Lot 6 as shown on Tract No. 92-83 filed on December 3, 1985 in Book 114 of Maps at Pages 27 through 31, inclusive, in the Office of the County Recorder of said county;

Thence leaving said centerline perpendicular to the last mentioned course, North 43°17'52" West, 45.00 feet to the southeasterly line of said Lot 3, being also the beginning of a non-tangent curve to the right, concave southeasterly, having a radius of 345.00 feet, from the center of said curve a radial line bears North 43°17'52" West;

Thence along the southeasterly and northeasterly line of said Lot 3 the following four (4) courses:

- 1) Along said curve through a central angle of 28°26'40", an arc length of 171.27 feet to the beginning of a reverse curve, having a radius of 30.00 feet, from the center of said curve a radial line bears South 14°51'12" East;
- 2) Along said curve through a central angle of 81°24'42", an arc length of 42.63 feet;
- 3) North 6°15'54" West, 28.03 feet to the beginning of a tangent curve to the left, having a radius of 334.00 feet;
- 4) Along said curve through a central angle of 16°38'55", an arc length of 97.05 feet to the beginning of a non-tangent curve to the left, concave southerly, having a radius of 11.00 feet, from the center of said curve a radial line bears North 4°57'56" East, said point being also the **TRUE POINT OF BEGINNING** of this description;

Thence leaving the northeasterly line of said Lot 3 the following nine (9) courses:

- 1) Along said curve through a central angle of 32°30'21", an arc length of 6.24 feet to the beginning of a compound curve, having a radius of 50.00 feet, from the center of said curve a radial line bears North 27°32'25" West;
- 2) Along said curve through a central angle of 14°42'45", an arc length of 12.84 feet;
- 3) South 47°44'50" West, 33.55 feet;
- 4) North 42°15'10" West, 194.01 feet to the beginning of a tangent curve to the left, having a radius of 20.00 feet;
- 5) Along said curve through a central angle of 38°30'00", an arc length of 13.44 feet;
- 6) North 80°45'10" West, 106.15 feet to the beginning of a tangent curve to the right, having a radius of 44.00 feet;
- 7) Along said curve through a central angle of 38°30'00", an arc length of 29.57 feet;
- 8) North 42°15'10" West, 17.07 feet to the beginning of a tangent curve to the left, having a radius of 12.00 feet;
- 9) Along said curve through a central angle of 73°24'08", an arc length of 15.37 feet to the northwesterly line of said Lot 3;

4670 Willow Road  
Suite 250  
Pleasanton  
California 94588  
phone 925.396.7700  
fax 925.396.7799  
www.bkf.com

Sheet 1 of 2



ENGINEERS  
SURVEYORS  
PLANNERS

100+  
YEARS

October 7, 2016  
BKF Job No: 20167054B

Thence along said northwesterly line North  $47^{\circ}44'50''$  East, 41.13 feet to the beginning of a non-tangent curve, concave easterly, having a radius of 12.00 feet, from the center of said curve a radial line bears North  $58^{\circ}51'02''$  West;

Thence leaving said northwesterly line the following nine (9) courses:

- 1) Along said curve through a central angle of  $73^{\circ}24'08''$ , an arc length of 15.37 feet;
- 2) South  $42^{\circ}15'10''$  East, 17.07 feet to the beginning of a tangent curve to the left, having a radius of 20.00 feet;
- 3) Along said curve through a central angle of  $38^{\circ}30'00''$ , an arc length of 13.44 feet;
- 4) South  $80^{\circ}45'10''$  East, 106.15 feet to the beginning of a tangent curve to the right, having a radius of 44.00 feet;
- 5) Along said curve through a central angle of  $38^{\circ}30'00''$ , an arc length of 29.57 feet;
- 6) South  $42^{\circ}15'10''$  East, 160.96 feet to the beginning of a tangent curve to the left, having a radius of 5.00 feet;
- 7) Along said curve through a central angle of  $83^{\circ}04'47''$ , an arc length of 7.25 feet to the beginning of a reverse curve, having a radius of 193.00 feet, from the center of said curve a radial line bears North  $35^{\circ}19'57''$  West;
- 8) Along said curve through a central angle of  $7^{\circ}54'41''$ , an arc length of 26.66 feet to the beginning of a reverse curve, having a radius of 11.00 feet, from the center of said curve a radial line bears South  $27^{\circ}25'05''$  East;
- 9) Along said curve through a central angle of  $28^{\circ}21'41''$ , an arc length of 5.45 feet to a point on the northeasterly line of said Lot 3 being also the beginning of a non-tangent curve, concave southwesterly, having a radius of 334.00 feet, from the center of said curve a radial line bears North  $62^{\circ}05'59''$  East

Thence along the northeasterly line of said Lot 3 and said curve through a central angle of  $4^{\circ}59'12''$ , an arc length of 29.07 feet to the **TRUE POINT OF BEGINNING**.

Containing 9,855 square feet more or less.

**As shown on plat attached hereto and by this reference made part hereof as Exhibit B.**

For: BKF Engineers

Davis Thresh, P.L.S. No. 6868

10-7-2016  
Dated



4670 Willow Road  
Suite 250  
Pleasanton  
California 94588  
phone 925.396.7700  
fax 925.396.7799  
www.bkf.com

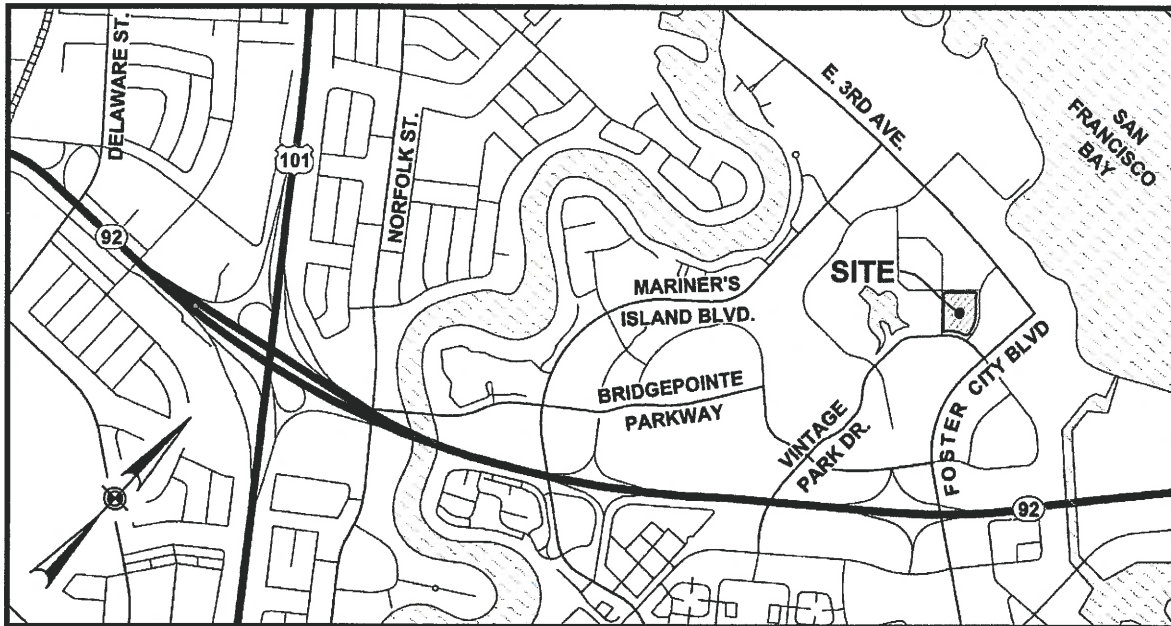
Sheet 2 of 2

Exhibit B

*[See Attached]*

# EXHIBIT "B"

## EMERGENCY VEHICLE ACCESS EASEMENT FOSTER CITY, SAN MATEO COUNTY, CALIFORNIA



VICINITY MAP  
NOT TO SCALE

LINE TABLE		
	DIRECTION	LENGTH
L1	N6°15'54"W	28.03'
L2	N42°15'10"W	17.07'
L3	N47°44'50"E	41.14'
L4	S42°15'10"E	17.07'

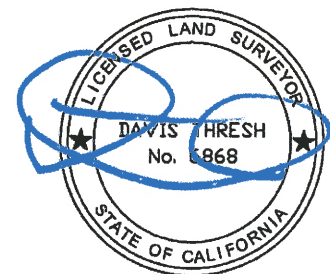
### BASIS OF BEARINGS

SOUTH 46°42'08" WEST, BEING THE CENTERLINE OF VINTAGE PARK DRIVE BETWEEN TWO CITY STANDARD MONUMENTS AS SHOWN ON TRACT NO. 92-83 FILED ON DECEMBER 3, 1985 IN BOOK 114 OF MAPS AT PAGES 27-31, IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY.

CURVE TABLE			
	RADIUS	DELTA	LENGTH
C1	30.00'	81°24'42"	42.63'
C2	11.00'	32°30'21"	6.24'
C3	50.00'	14°42'45"	12.84'
C4	20.00'	38°30'00"	13.44'
C5	44.00'	38°30'00"	29.57'
C6	12.00'	73°24'08"	15.37'
C7	12.00'	73°24'08"	15.37'
C8	20.00'	38°30'00"	13.44'
C9	44.00'	38°30'00"	29.57'
C10	5.00'	83°04'47"	7.25'
C11	193.00'	7°54'51"	26.66'
C12	11.00'	28°21'41"	5.45'

### LEGEND

- EVAE = EMERGENCY VEHICLE ACCESS EASEMENT
- M = BOOK AND PAGE OF MAPS
- (M-M) = MONUMENT TO MONUMENT
- POC = POINT OF COMMENCEMENT
- TPOB = TRUE POINT OF BEGINNING
- (R) = RADIAL BEARING
- ⊙ = STANDARD CITY MONUMENT



4670 WILLOW RD  
SUITE 250  
PLEASANTON, CA 94588  
925-396-7700  
925-396-7799 (FAX)

Subject EMERGENCY VEHICLE  
ACCESS EASEMENT  
Job No. 20167054B  
By MR Date 10/7/16 Chkd. WS  
SHEET 1 OF 2







DATE: October 17, 2016

TO: Mayor and Members of the City Council

VIA: Kevin M. Miller, City Manager

FROM: Jeff Moneda, Public Works Director/City Engineer

SUBJECT: CONTRACT WITH SCHAAF & WHEELER CONSULTING CIVIL  
ENGINEERS - LEVEE PROTECTION PLANNING AND  
IMPROVEMENTS PROJECT (CIP 301-657)

---

### RECOMMENDATION

It is recommended that the City Council adopt the attached resolution authorizing the Mayor to execute the attached agreement with Schaaf & Wheeler Consulting Civil Engineers, in the amount not-to-exceed \$2,324,286, to provide professional consulting services including engineering design and environmental regulatory permitting services associated with the Levee Protection Planning and Improvements Project (CIP 301-657).

### EXECUTIVE SUMMARY

Execution of the agreement with Schaaf & Wheeler will allow the continuation of work to regain accreditation, including preparation of construction documents suitable for bidding and obtaining necessary regulatory environmental permits. Funding of \$2.5 million was approved for CIP 301-657 with the adoption of the FY 2016/2017 budget and additional funding of \$4 million is included in the FY 2017/2018 budget for construction support services.

### BACKGROUND

At the special meeting on July 27, 2015, staff and Schaaf & Wheeler presented the Levee Protection Planning Study Report to the City Council. At the conclusion of the meeting, the City Council adopted Minute Order No. 1431, directing staff to explore the

Hybrid Design alternative.

At the regular meeting on September 8, 2015, the City Council adopted Resolution No. 2015-75, authorizing approval of the agreement to Provide Pre-Design, Regulatory Permitting, and Other Professional Services for the Levee Protection Planning and Improvements Project (CIP 301-657) in the amount of \$887,644 with Schaaf & Wheeler. This agreement included work to be performed by Schaaf & Wheeler as part of Phase I of the project, including environmental regulatory permitting and preliminary design cumulating with the Levee Basis of Design report suitable for preparation of the California Environmental Quality Act (CEQA) documents. The Basis of Design Overview Report has been completed.

At the same meeting on September 8, 2015, the City Council also awarded professional services contracts to:

- SCI Consulting Group to provide feasibility analysis and public opinion survey, assessment engineering, Proposition 218 balloting and other professional consulting services associated with exploring funding options; and
- Kitahata & Co. and William Euphrat Municipal Finance, Inc. for evaluation of financing options and implementation of the chosen financing strategy.

Since September 2015, City staff, with the assistance of Schaaf & Wheeler, its sub-consultants, and the City's Communications department, has utilized various public outreach techniques including direct mailer, social media, project webpage, videos, and public meetings to engage the residents, business community, and the stakeholders about the project. The engineering team has also performed field reconnaissance, topographic and boundary survey, geotechnical explorations, and detailed wave run-up calculations. All of this information is summarized in the Basis of Design Overview Report which has been completed.

Finance Department staff, with the assistance of the City's financial consultants, are also exploring a number of different financing options to pay for the construction and ongoing maintenance, including formation of one or more Assessment Districts, a Community Facilities District, and/or issuing General Obligation Bonds.

Execution of the new agreement will allow for the continuation of work to obtain the necessary regulatory environmental permits, prepare public outreach materials, perform detailed engineering and structural design, and prepare plans and specifications suitable for construction. When the construction contract is awarded in approximately late 2017, a third agreement for Phase III of the work will be brought to the City Council for consideration to provide construction support services including specialty testing and inspection as well as engineering services to certify the levee

when the project is completed for FEMA accreditation.

### ANALYSIS

To maintain momentum and continue with the work identified in the Levee Basis of Design Report, staff is recommending approval of the agreement with Schaaf & Wheeler.

Schaaf & Wheeler has put together a competent team of consultants, encompassing the following fields: Civil Engineering (Schaaf & Wheeler), Structural Engineering (Biggs Cardosa Associates), Geotechnical Engineering (ENGEO), Surveying (Wilsey Ham), Landscape Architecture (Bellinger-Foster-Steinmetz), and Environmental Regulatory Permitting (Huffman-Broadway Group). The proposal from Schaaf & Wheeler was reviewed, and the negotiated fee, in the amount of \$2,324,286, and terms of the discounts were determined reasonable. The negotiated fee includes discounts ranging from 6% to 9% across all job classifications in Schaaf & Wheeler's billing rates. Schaaf & Wheeler is also maintaining the same fee schedule approved in the original 2015 agreement. The same fee schedule will be maintained until the expiration of the proposed agreement, expected at the end of 2017. In addition, a standard sub-consultant markup of 10% is waived.

The scope of services includes continued coordination with FEMA, San Francisco Bay Conservation and Development Commission, Army Corps of Engineers, and other regulatory agencies; preparing materials necessary for public outreach efforts with the stakeholders; preparing final construction documents based on City Council and public input; providing environmental regulatory permitting; and preparing construction cost estimates.

### FISCAL IMPACT

There is an approved budget of \$2.5 million available for the project in FY 2016/2017. Therefore, there is adequate funding available for extension of the contract services in the project account.

#### Attachments:

- Resolution
- Agreement

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY APPROVING AN AGREEMENT WITH SCHAAF & WHEELER CONSULTING ENGINEERS IN AN AMOUNT NOT-TO-EXCEED \$2,324,286 TO PROVIDE PROFESSIONAL CONSULTING SERVICES INCLUDING ENGINEERING DESIGN AND ENVIRONMENTAL REGULATORY PERMITTING SERVICES FOR THE LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (CIP 301-657)

CITY OF FOSTER CITY

WHEREAS, the Federal Emergency Management Agency's (FEMA) coastal flood hazard study indicated that the Foster City levee does not meet the required freeboard elevation per Title 44 of the Code of Federal Regulations and therefore, the levee is currently not certified; and

WHEREAS, FEMA has agreed to use Seclusion Mapping for Foster City, as a temporary measure to not require mandatory flood insurance for Foster City residents while the City continues with planning, design, and funding to allow for the construction of levee improvements to regain accreditation; and

WHEREAS, the Levee Protection Planning and Improvements Project (CIP 301-657) will raise the levee to the required height to regain accreditation; and

WHEREAS, Schaaf & Wheeler was the engineering consultant when the City of San Mateo raised its levee and regained accreditation in 2012; and

WHEREAS, Schaaf & Wheeler has completed the Basis of Design Overview Report outlining levee improvement types and probable construction costs for the improvements; and

WHEREAS, the agreement was reviewed and negotiated, and the fee for the scope of services was determined reasonable; and

WHEREAS, funding is available in the Levee Protection Planning and Improvements Project (CIP 301-657) budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Foster City does hereby authorize the Mayor to execute the agreement with Schaaf & Wheeler Consulting Engineers in the amount not-to-exceed \$2,324,286 to provide professional consulting services including engineering design and environmental regulatory permitting services for the Levee Protection Planning and Improvements Project (CIP 301-657).

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 17<sup>th</sup> day of October, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

HERB PEREZ, MAYOR

ATTEST:

---

DORIS L. PALMER, CITY CLERK

**AGREEMENT TO PROVIDE FINAL DESIGN, REGULATORY PERMITTING AND  
OTHER PROFESSIONAL ENGINEERING SERVICES  
FOR  
LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT  
(CIP 301-657)**

This Agreement is made and entered into as of the 17<sup>th</sup> day of October, 2016 by and between the City of Foster City hereinafter called "CITY" and Schaaf & Wheeler Consulting Engineers hereinafter called "CONSULTANT".

**RECITALS**

This Agreement is entered into with reference to the following facts and circumstances:

- A. That CITY desires to engage CONSULTANT to render certain professional services in the CITY;
- B. That CONSULTANT is qualified to provide such services to the CITY and;
- C. That the CITY has elected to engage the services of CONSULTANT upon the terms and conditions as hereinafter set forth.

- 1. Services. The services to be performed by CONSULTANT under this Agreement shall include those services set forth in Exhibit A, which is, by this reference, incorporated herein and made a part hereof as though it were fully set forth herein.

Performance of the work specified in said Exhibit is hereby made an obligation of CONSULTANT under this Agreement, subject to any changes that may be made subsequently hereto upon the mutual written agreement of the said parties.

Where in conflict, the terms of this Agreement supersede and prevail over any terms set forth in Exhibit A.

- 2. Term; Termination. (a) The term of this Agreement shall commence upon the date hereinabove written and shall expire upon completion of performance of services hereunder by CONSULTANT. (b) Notwithstanding the provisions of (a) above, either party may terminate this Agreement without cause by giving written notice not less than ten (10) days prior to the effective date of termination, which date shall be included in said notice. In the event of such termination, CITY shall compensate CONSULTANT for services rendered, and reimburse CONSULTANT for costs and expenses incurred, to the date of

termination, calculated in accordance with the provisions of paragraph 3. In ascertaining the services actually rendered to the date of termination, consideration shall be given both to completed work and work in process of completion. Nothing herein contained shall be deemed a limitation upon the right of CITY to terminate this Agreement for cause, or otherwise to exercise such rights or pursue such remedies as may accrue to CITY hereunder.

3. Compensation; Expenses; Payment. CITY shall compensate CONSULTANT for all services performed by CONSULTANT hereunder in an amount based upon CONSULTANT's hourly rates during the time of the performance of said services. A copy of CONSULTANT's hourly rates for which services hereunder shall be performed are set forth in CONSULTANT's fee schedule marked Exhibit "B" hereof, attached hereto and by this reference incorporated herein.

Notwithstanding the foregoing, the combined total of compensation and reimbursement of costs payable hereunder shall not exceed the sum of two-million, three-hundred-twenty-four-thousand, and two-hundred-eighty-six dollars (\$2,324,286) unless the performance of services and/or reimbursement of costs and expenses in excess of said amounts have been approved in advance of performing such services or incurring such costs and expenses by CITY's City Manager (for contracts less than \$30,000) or City Council (for contracts \$30,000 or more) evidenced by motion duly made and carried.

Compensation and reimbursement of costs and expenses hereunder shall be payable upon monthly billing therefor by CONSULTANT to CITY, which billing shall include an itemized statement, briefly describing by task and labor category or cost/expense items billed.

4. Additional Services. In the event CITY desires the performance of additional services not otherwise included within the services described in Exhibit A, such services shall be authorized in advance of the performance thereof by CITY's City Manager (for contracts less than \$30,000) or City Council (for contracts \$30,000 or more) by motion duly made and carried. Such amendment to this Agreement shall include a description of the services to be performed thereunder, the maximum compensation and reimbursement of costs and expenses payable therefor, the time of performance thereof, and such other matters as the parties deem appropriate for the accomplishment of such services. Except to the extent modified by written amendment, all other terms and conditions of this Agreement shall be deemed incorporated in each such amendment.

5. Records. CONSULTANT shall keep and maintain accurate records of all time expended and costs and expenses incurred relating to services to be performed by CONSULTANT hereunder. Said records shall be available to CITY for review and copying during regular business hours at CONSULTANT's place of business or as otherwise agreed upon by the parties.
6. Authorization. This Agreement becomes effective when endorsed by both parties in the space provided below.
7. Reliance on Professional Skill of CONSULTANT. CONSULTANT represents that it has the necessary professional skills to perform the services required and the CITY shall rely on such skills of the CONSULTANT to do and perform the work. In performing services hereunder CONSULTANT shall adhere to the standards generally prevailing for the performance of expert consulting services similar to those to be performed by CONSULTANT hereunder.
8. Documents. All documents, plans, drawings, renderings, and other papers, or copies thereof, as finally rendered, prepared by CONSULTANT pursuant to the terms of this Agreement, shall, upon preparation and delivery to CITY, become the property of CITY.
9. Relationship of Parties. It is understood that the relationship of CONSULTANT to the CITY is that of an independent contractor and all persons working for or under the direction of CONSULTANT are its agents or employees and not agents or employees of the CITY.
10. Schedule. CONSULTANT shall adhere to the schedule set forth in Exhibit A; provided, that CITY shall grant reasonable extensions of time for the performance of such services occasioned by governmental reviews of CONSULTANT's work product or other unavoidable delays; provided, further, that such unavoidable delay shall not include strikes, lockouts, work stoppages, or other labor disturbances conducted by, or on behalf of, CONSULTANT's officers or employees.

CONSULTANT acknowledges the importance to CITY of CITY's Project schedule and agrees to put forth its best professional efforts to perform its services under this Agreement in a manner consistent with that schedule.

11. Indemnity. To the fullest extent allowed by law, CONSULTANT hereby agrees to defend, indemnify, and save harmless CITY and Estero Municipal Improvement District, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions liability, loss, damage, expense, cost (including, without limitation, costs

and fees of litigation) of every nature, kind or description, which may be brought against, or suffered or sustained by, CITY or Estero Municipal Improvement District, its Council, boards, commissions, officers, employees or agents caused by, or alleged to have been caused by, the negligence, intentional tortuous act or omission, or willful misconduct of CONSULTANT, its officers, employees, subcontractors or agents in the performance of any services or work pursuant to this Agreement.

The duty of CONSULTANT to indemnify and save harmless, as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code; provided, however, that nothing herein contained shall be construed to require CONSULTANT or any of its sub-consultants to indemnify CITY and Estero Municipal Improvement District, its Council, boards, commissions, officers, employees and agents against any responsibility or liability in contravention of Section 2782 of the California Civil Code.

CONSULTANT's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law.

The defense and indemnification obligations of this agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained within this Agreement.

12. Insurance. CONSULTANT shall acquire and maintain Workers' Compensation, employer's liability, commercial general liability, owned and non-owned and hired automobile liability, and professional liability insurance coverage relating to CONSULTANT's services to be performed hereunder covering CITY's risks in form subject to the approval of the City Attorney and/or CITY's Risk Manager. The minimum amounts of coverage corresponding to the aforesaid categories of insurance per insurable event, shall be as follows:

<u>Insurance Category</u>	<u>Minimum Limits</u>
Workers' Compensation	statutory minimum
Employer's Liability	\$1,000,000 per accident for bodily injury or disease
Commercial General Liability	\$1,000,000 per occurrence and \$5,000,000 aggregate for bodily injury, personal injury and property damage
Automobile Liability	Required of CONSULTANT and/or subconsultants when vehicles owned and/or operated in furtherance of work required by this Agreement: \$1,000,000 per accident for bodily injury and property damage (coverage required to the extent applicable to CONSULTANT's vehicle usage in performing services hereunder)
<sup>1</sup> Professional Liability	\$2,000,000 per claim and aggregate

It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be available to the CITY as an Additional Insured. Furthermore, the requirements for coverage and limits shall be the greater of either (1) the minimum coverage and limits specified in this Agreement or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named Insured.

CONSULTANT agrees to include with all subcontractors in their subcontracts the same requirements and provisions of this agreement including the indemnity and insurance requirements to the extent they apply to the scope of the subcontractor's work. Subcontractors hired by CONSULTANT shall agree to be bound to CONSULTANT and CITY in the same manner and to the same extent as CONSULTANT is bound to CITY under this Agreement and its accompanying documents. Subcontractors shall further agree to include these same provisions with any sub-

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<sup>1</sup> Note: Professional liability insurance coverage is not required if the contractor/vendor/consultant is not providing a service regulated by the state. (Examples of service providers regulated by the state are insurance agents, professional engineers, doctors, certified public accountants, lawyers, etc.) Please check and initial the following if professional liability is **NOT** required for this agreement.  
Recommended \_\_\_\_\_ [Project Manager] Approved \_\_\_\_\_ [Risk Manager]

subcontractors. A copy of the indemnity and insurance provisions of this Agreement will be furnished to the Subcontractor upon request. CONSULTANT shall require all subcontractors to provide a valid certificate of insurance and the required endorsements included in the subcontract agreement and will provide proof of compliance to the CITY prior to commencement of any work by the subcontractor. A copy of the indemnity and insurance provisions of this Agreement shall be furnished to any subcontractor upon request.

Concurrently with the execution of this Agreement, CONSULTANT shall, on the Insurance Coverage form provided in Exhibit C, furnish CITY with certificates and copies of information or declaration pages of the insurance required hereunder and, with respect to evidence of commercial general liability insurance coverage, original endorsements:

- (a) Precluding cancellation or **reduction in per occurrence limits** before the expiration of thirty (30) days (10 days for nonpayment) after City shall have received written notification of cancellation in coverage or **reduction in per occurrence limits** by first class mail;
- (b) Naming the City of Foster City and Estero Municipal Improvement District, its Council, officers, boards, commissions, employees, and agents, as additional insureds; and
- (c) Providing that CONSULTANT's insurance coverage shall be primary insurance with respect to CITY and Estero Municipal Improvement District, its Council, officers, boards, commissions, employees, and agents, and any insurance or self-insurance maintained by CITY for itself, its Council, officers, boards, commissions, employees, or agents shall be in excess of CONSULTANT's insurance and not contributory with it. CONSULTANT and its insurer may not seek contribution from CITY's insurance or self-insurance.

The limits of insurance required in this agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of CITY, to the extent required by this Agreement, before the CITY's insurance or self-insurance may be called upon to protect CITY as a named Insured.

All self-insured retentions (SIR) must be disclosed to CITY for approval and shall not reduce the limits of liability coverage. Policies containing a

SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named CONSULTANT/Named Insured or CITY.

CITY reserves the right to obtain a full certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

CONSULTANT shall maintain insurance as required by this Agreement to the fullest amount allowed by law and shall maintain insurance for a minimum of five (5) years following completion of this project or service. In the event CONSULTANT fails to obtain or maintain completed operations coverage as required by this Agreement, the CITY at its sole discretion may purchase the coverage required and the cost will be paid by CONSULTANT.

13. WORKERS' COMPENSATION. CONSULTANT certifies that he is aware of the provisions of the Labor Code of the State of California which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and CONSULTANT certifies that he will comply with such provisions before commencing the performance of the work of this agreement.
14. NON-DISCRIMINATION. The CONSULTANT will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The CONSULTANT will take affirmative action to insure that applicants are employed and the employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, advancement, demotion, transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The CONSULTANT shall at all times be in compliance with the requirements of the Federal Americans with Disabilities Act (Public Law 101-336) which prohibits discrimination on the basis of disability by public entities. The CONSULTANT agrees to post in conspicuous places available to employees and applicants for employment any notices provided by the CITY setting forth the provisions of this non-discrimination clause.
15. Notice. All notices required by this Agreement shall be given to the CITY and CONSULTANT in writing, by first class mail, postage prepaid, addressed as follows:

CITY: City of Foster City  
610 Foster City Boulevard

Foster City, CA 94404-2299  
Attention: Allan Shu, Senior Civil Engineer

CONSULTANT: Schaaf & Wheeler Consulting Civil Engineers  
1171 Homestead Road, Suite 255  
Santa Clara, CA 95050-5485  
(408) 246-4848  
Attention: Charles D. Anderson, President

16. Non-Assignment. This Agreement is not assignable either in whole or in part.
17. Amendments. This Agreement may be amended or modified only by written agreement signed by both parties.
18. Validity. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
19. Governing Law. This Agreement shall be governed by the laws of the State of California and any suit or action initiated by either party shall be brought in the County of San Mateo, California. In the event of litigation between the parties hereto to enforce any provision of the Agreement, the unsuccessful party will pay the reasonable attorney's fees and expenses of litigation of the successful party.
20. Mediation. Should any dispute arise out of this Agreement, the parties shall meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. Neither party shall be permitted to file legal action without first meeting in mediation and making a good faith attempt to reach a mediated resolution. The costs of the mediator, if any, shall be paid equally by the parties. If a mediated settlement is reached neither party shall be deemed the prevailing party for purposes of the settlement and each party shall bear its own legal costs.
21. Conflict of Interest. CONSULTANT may serve other clients, but none who are active within the City of Foster City or who conduct business that would place CONSULTANT in a "conflict of interest" as that term is defined in State law.
22. Entire Agreement. This Agreement, including Exhibit A, B and C, comprises the entire Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first above written by their respective officers duly authorized in that behalf.

CITY OF FOSTER CITY

Dated: \_\_\_\_\_

\_\_\_\_\_  
Herb Perez, Mayor

ATTEST:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Doris L. Palmer, City Clerk

APPROVED AS TO FORM

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jean Savaree, City Attorney

CONSULTANT

Dated: \_\_\_\_\_

\_\_\_\_\_  
Charles D. Anderson, President

EXHIBIT A

SCOPE OF WORK AND SCHEDULE  
FOR  
FINAL DESIGN, REGULATORY PERMITTING AND OTHER PROFESSIONAL  
ENGINEERING SERVICES FOR  
LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT  
(CIP 301-657)

CONSULTANT has provided and continues to provide “Phase I” work to the CITY under a separate agreement titled “Agreement to Provide Pre-Design, Regulatory Permitting and Other Professional Services For Levee Protection Planning and Improvements Project (CIP 301-657),” dated September 8, 2015. This Agreement is for all work identified as Phase II items as proposed by Schaaf & Wheeler as part of the design and engineering work to be provided for the Levee Protection Planning and Improvement Projects (CIP 301-657).

The following consultants are part of the project team working on the project.

**Project Team**

<b>Firm</b>	<b>Contact</b>	<b>Project Roles</b>
<b>Schaaf &amp; Wheeler Consulting Civil Engineers</b> 1171 Homestead Road, Suite 255 Santa Clara, CA 95050	Charles D. Anderson, P.E. 408-246-4848 canderson@swws.com	Project Management Civil design Contract documents Levee accreditation Construction support
<b>ENGE0</b> 6399 San Ignacio Avenue, Suite 150 San Jose, CA 95119	Janet Kan, G.E., C.E.G. 408-574-4900 jkan@engeo.com	Geotechnical investigation Geotechnical engineering Levee accreditation Construction support
<b>Biggs Cardosa Associates</b> 865 The Alameda San Jose, CA 95126	Anthony Notaro, P.E. 408-296-5515 anotaro@biggscondosa.com	Structural Engineering Construction support
<b>Bellinger-Foster-Steinmetz</b> 445 Sherman Avenue Palo Alto, CA 94306	Adit Paul, ASLA, CLA 650-326-6622 apaul@bfscla.com	Landscape architecture Trail design Construction support
<b>Wilsey-Ham</b> 3130 La Selva Street, Suite 100 San Mateo CA 94403	Ken Moore, L.S. 650-286-8414 kmoore@wilseyham.com	Surveying Base mapping Rights-of-way
<b>Huffman-Broadway Group</b> 828 Mission Avenue San Rafael, Ca 94901	Terry Huffman, PhD 415-925-2000 thuffman@h-bgroup.com	Biological assessment Wetland delineation Regulatory permitting

**Table 1. Foster City Levee Improvement Task Summary**

Phase	Work Completed During Fiscal Year	Fee/Budget	Tentative Schedule
<b>I (Contract Amendment #1)</b>	§ Surveying and Base Mapping		
	§ Geotechnical Investigation		
	§ Biological Resources Assessment		
	§ Design Development		
	§ Alternatives Analysis		
	§ Project Description for CEQA		
	§ FEMA Coordination		
	§ State and Federal Permit Applications		
	§ Public Outreach	\$887,644	October 2016
<b>II (Contract Amendment #2)</b>	§ 30%, 60% and 90% PS&E		
	§ BCDC Permit		
	§ State and Federal Permits		
	§ Final Contract Documents		
	§ CLOMR Submittal		
	§ Public Outreach	\$2,324,286	December 2017
<b>III</b>	§ Bid Support		
	§ Construction Support and RE		
	§ Public Outreach		
	§ Levee Accreditation	TBD	TBD

**Description of Phase II Work Tasks**

Descriptions of itemized Phase II (Task 2.X) are provided below.

**Task 2.1/2.2/2.3 Levee Improvement Plans (30%, 60% and 90% PS&E)**

Levee improvement plans prepared during Phase I of the work subject to Council direction will be developed into construction documents suitable for public bid. Plans, specifications and estimates will be prepared for City review as 30% (Task 2.1) 60% (Task 2.2) and 90% (Task 2.3) submittals. The construction documents will generally show:

- Property boundaries and easements within the area of project impact.
- Limits of potential USACE jurisdictional waters.
- BCDC jurisdictional limits.
- Proposed planimetrics for the improvements including control stationing with line and curve tables.
- Levee and floodwall improvements at the Central Lagoon intake and outlet structures.
- Access easements.
- A profile showing the existing top of levee, the existing Bay Trail elevation, 100-year stillwater elevations, maximum wave runup elevations, required freeboard

elevations for FEMA accreditation, and proposed top of levee or floodwall elevations.

- Public access to and from the Bay Trail on both sides of the levee.
- Levee improvement sections at regular station intervals.
- Levee improvement elevations from the land side and Bay side.
- Landscape and architectural treatments.
- Bay Trail construction detour plan.

HBG will review the levee improvement plans developed in this task for environmental regulatory compliance with various agency regulations and policies. ENGEO will review the plans and specifications for conformance with their geotechnical recommendations.

Table 2 presents an approximate sheet count for the ultimate plan set, assuming a scale of 1 inch = 40 feet (which may be revised to accommodate plan requirements for legibility and ease of use), and indicates which sheets will be provided in the second and third phases of the project. The sheet count will likely be adjusted during plan preparation.

### **City to Provide**

The City of Foster City will provide the following information, data and services during the completion of this task:

- Standard construction document title block if desired.
- Standard front-end (Division 0) specification sections and bid proposal forms.
- Document review and comment.
- Arrange for coordination meetings with other affected City departments.
- Pay regulatory permit fees directly to the responsible agency

Table 2. Levee Improvement Plan Sheet Count

Sheet Description	Number of Sheets	30%	60%	90%
Title Sheet	1	•	•	•
Notes, Abbreviations and Legend	1	•	•	•
Index to Plan Sheets	1	•	•	•
Survey Control Plans	40	•	•	•
Levee Improvement Plans	40	•	•	•
Levee Elevations	40	•	•	•
Levee Improvement Sections	40	•	•	•
Bay Trail Detour Plans	20		•	•
Civil Details	5			•
Structural Notes and Symbols	1		•	•
Structural Plans	20		•	•
Structural Details	10			•
Landscaping Notes and Symbols	1	•	•	•

Landscaping Plans	40	•	•	•
Landscaping Details	5			•
Seeding Plan	40		•	•
Planting Plan	20		•	•
Irrigation Notes and Symbols	1		•	•
Irrigation Plans and Details	45		•	•

#### **Task 2.4 Final Geotechnical Exploration and Design Coordination**

Final geotechnical exploration will be performed pending design development and configuration of project elements which may include at various locations the placement of embankment fill, sloped fill, sheet pile hybrid walls with fill and conventional structural floodwalls. This exploration and design coordination will be the basis for ultimate levee accreditation. A total of 12 exploratory holes, sampling, and laboratory testing and engineering analysis is budgeted.

#### **Task 2.5 Biologic Resources, Wetland Delineation and Mitigation Measures**

HBG will conduct additional design-level field reconnaissance surveys to describe areas that may be suitable for use by rare, threatened, or endangered plant or animal species of concern. Potential impacts to wetlands and other defined sensitive habitats will be determined based on the City-directed design including the evaluation of potential direct loss of habitat relevant to ongoing permit documentation. HBG will provide design-level mitigation measures to minimize identified impacts. Permit requirements of regulatory agencies related to biological resources (i.e., wetlands, other sensitive habitats, and special status species) will be described, and mitigation measures will be developed in the Biological Assessment to reduce ecological impacts as well as satisfy agency requirements.

HBG will finalize the jurisdictional determination report in accordance with Corps guidelines and upon City review and approval will submit the report to the Corps for verification under the Corps Preliminary Jurisdictional Determination procedure based on the specific Project design.

This task also includes investigations allowing a determination of jurisdictional boundaries pursuant to regulatory requirements of the RWQCB (wetlands/water jurisdiction of RWQCB is not always consistent with that of the Corps and may include areas not considered jurisdictional by the Corps), the California Department of Fish and Wildlife, BCDC and the State Lands Commission.

HBG will coordinate with the Corps as necessary during the jurisdictional determination process which may include a site visit with Corps staff, phone calls, emails, meetings, and preparation of additional information or documents (i.e. maps, watershed data, functional analysis methods, etc.). HBG will coordinate all aspects of the jurisdictional determination process with the client and/or designated representative.

Locations along the Bay shoreline located in the vicinity of Belmont Slough and Seal Slough are considered potential habitat for the federal-listed endangered Ridgway's Rail (formerly known as Clapper Rail). To comply with USFWS requirements, either construction activity would need to occur at a time during the year when the Ridgway's

Rails would not be expected to be nesting (between September 1 and January 31), or a breeding survey for Ridgway's Rail would need to be conducted prior to any construction work planned during the nesting season coupled with establishment of 700 feet setbacks from nesting birds.

USFWS Ridgway's Rail protocol surveys will be completed along the levee improvement line so that work can be conducted in areas where there are no nests, rather than confine work to specific time periods during the year. Evaluations related to the federal-listed threatened Western Snowy Plover and the state-listed threatened California Black Rail will also be conducted. Mitigation for particular species, if present, will be incorporated into the contract documents.

#### **Task 2.6 BCDC Permit Application**

This task involves work necessary to prepare the permit applications for the Bay Conservation and Development Commission (BCDC), which requires plans developed in more detail than the Corps and RWQCB, which are more focused on the footprint of potential impact. The 60% Plan Set prepared in Task 2.2 will form the basis for the BCDC permit application.

HBG will prepare the authorization request for a Major Permit from BCDC following current BCDC guidelines for submission. Included with the application submittal will be a copy of the Corps permit application prepared under Task 1.8.1. Upon City approval, HBG will provide the permit application and required documentation to the BCDC for review and approval.

#### **Task 2.7 State and Federal Permit Application Coordination**

HBG will correspond with the regulatory permit agencies as necessary to keep each agency abreast of any changes to the project design that may have permit implications and provide CEQA documentation prepared under separate to each permit agency that requires the documentation. Conversely, various regulatory permit conditions will be incorporated into the design documents (plans and specifications) as appropriate and as known, until each regulatory agency is satisfied that the project as designed can be permitted.

Schaaf & Wheeler will submit a CLOMR application to FEMA based on work completed in Phase 1 together with the 90% PS&E, and coordinate the review of said application. This will allow for the inclusion of any remedial measures FEMA deems necessary in the final bid documents.

#### **Task 2.8 Obtain Regulatory Permits**

HBG will continue corresponding with each state, federal and local regulatory permit agency until full project approval is obtained. Final permit conditions and requirements will be incorporated into the contract documents.

### **Task 2.9      Final Contract Documents**

Levee improvement plans for the City-selected Project will be incorporated into a final document package suitable for public bid based on prior City review and the incorporation of regulatory permit requirements. Contract documents will include Plans, Bidding Documents, General Provisions, Special Provisions and Technical Provisions. Geotechnical consultation is included for this task as well. HBG will assist in the preparation and review of contract documents, particularly the Special Provisions, to ensure compliance with agency authorizations.

### **Task 2.10      Attend Meetings/Public Outreach Assistance**

Schaaf & Wheeler and its sub-consultants will attend meetings with staff, Planning Commission, City Council, regulatory agencies, and the public. Schaaf & Wheeler will also provide assistance to the City during its public outreach efforts for the duration of the design development and permitting phase. This assistance includes the preparation of technical material and graphic representations to explain project design development details to the staff, public and other interested stakeholders.

## EXHIBIT B

### CONSULTANT'S FEE SCHEDULE FINAL DESIGN, REGULATORY PERMITTING AND OTHER PROFESSIONAL ENGINEERING SERVICES FOR LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (CIP 301-657)

#### Labor

The maximum amount of compensation to be paid to CONSULTANT under this agreement, including payment for professional services and reimbursable expenses, shall not exceed the sum of two-million, three-hundred-twenty-four-thousand, and two-hundred-eighty-six dollars (\$2,324,286). Any hours worked for which payment would result in a total exceeding the maximum amount of compensation set forth herein shall be at no cost to the CITY. Charges for labor expended on this project shall be itemized by CONSULTANT and billed monthly in accordance with the rate schedule attached herein. Hourly rates are fixed for the duration of this agreement.

#### Project Expenses

Project expenses, including sub-consultant services, travel, equipment rental, outside printing services, and other identifiable materials and services required for the execution of the work of this agreement shall be reimbursed at cost without any markups. Such reimbursement shall be made upon request by CONSULTANT and with presentation of adequate documentation.

The CITY shall review each monthly payment request and payment shall be made to the CONSULTANT in the amount approved on or about thirty (30) business days after date of approval.

**Schaaf & Wheeler**  
CONSULTING CIVIL ENGINEERS

James R. Schaaf, Ph. D, PE  
Kirk R. Wheeler, PE  
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M. Eliza McNulty, PE  
Benjamin L. Shick, PE  
Leif M. Coponen, PE  
**Principal Emeritus**  
David A. Foote, PE

**Estimated Fees**

Estimated fees to complete the scope of work described herein are summarized by Table 3. The billing rate schedule contained in the original Agreement dated September 8, 2015, shown below, remains valid and Schaaf & Wheeler will not markup sub-consultant fees. **Note that regulatory permit fees are unknown at this time and are not included in these estimates. The fees shall be paid directly by the City.**

**Table 3. Contract Amendment #2**

Task	Description	Labor	Reimbursable	Total
2.1	30% Levee Improvement PS&E	\$186,480		\$186,480
2.2	60% Levee Improvement PS&E	\$313,520		\$313,520
2.3	90% Levee Improvement PS&E	\$830,400		\$830,400
2.4	Final Geotechnical Design	\$149,940	\$40,000	\$189,940
2.5	Biologic Resources and Mitigation	\$84,000		\$84,000
2.6	BCDC Permit Application	\$60,375	\$1,500	\$61,875
2.7	State and Federal Permit Coord.	\$156,995	\$800	\$157,795
2.8	Obtain Regulatory Permits	\$173,800	\$700	\$174,500
2.9	Final Contract Documents	\$290,210		\$290,210
2.10	Public Outreach	\$35,566		\$35,566
<b>TOTAL PHASE II</b>		<b>\$2,281,286</b>	<b>\$43,000</b>	<b>\$2,324,286</b>

## Hourly Charge Rate Schedule

### Discounts Applied for Foster City Levee Protection Planning and Improvements Project (CIP 301-657)

#### Personnel Charges

Charges for personnel engaged in professional and/or technical work are based on the actual hours directly chargeable to the project.

Current rates by classification are listed below:

<b>Classification</b>	<b>Rate/Hr.</b>	<b>Classification</b>	<b>Rate/Hr.</b>
Project Manager	\$220 \$200	Construction Manager	\$210
Project Engineer	\$210 \$195	Senior Resident Engineer	\$180
Senior Engineer	\$195 \$180	Resident Engineer	\$160
Associate Engineer	\$175 \$165	Assistant Resident Engineer	\$140
Assistant Engineer	\$150 \$140	Construction Inspector	\$130
Junior Engineer	\$140 \$130		
Designer	\$135 \$125		
Technician	\$130 \$120		
Engineering Trainee	\$100 \$90		

Principal time is \$300 per hour and is charged only for work done in preparation for litigation and other very high level-of-expertise assignments. Court or deposition time as an expert witness is charged at \$400 per hour with a minimum of four hours per day.

#### Materials and Services

Subcontractors, special equipment, outside reproduction, data processing, computer services, etc., will be charged at ~~1-10 times~~ cost.

These rates are fixed for the duration of the agreement ~~subject to revision semi-annually.~~

Effective 1/1/15

## EXHIBIT C

### INSURANCE FORMS

CONSULTANT shall provide, in addition to the Certificates of Insurance, original Endorsement affecting the coverages specified in Section 12 - INSURANCE of the Agreement on the attached form. No substitute form will be accepted.

#### **ATTACHED**

1. Insurance Coverage Form

## EXHIBIT D

This **INSURANCE COVERAGE FORM** modifies or documents insurance provided under the following:

Named Insured: \_\_\_\_\_ Effective Work Date(s): \_\_\_\_\_

Description of Work/Locations/Vehicles: \_\_\_\_\_

**ADDITIONAL INSURED:** City of Foster City/Estero Municipal Improvement District  
610 Foster City Boulevard, Foster City, CA 94404  
Attention: \_\_\_\_\_

**Contract Administrator**

<b>Endorsement and Certificates of Insurance Required</b> The Additional Insured, its elected or appointed officers, officials, employees and volunteers are included as insureds with regard to damages and defense of claims arising from: (Check all that apply)	<b>Insurer</b>	<b>Policy No.</b>
<input type="checkbox"/> <b>General Liability:</b> (a) activities performed by or on behalf of the Named Insured, (b) products and completed operations of the Named Insured, (c) premises owned, leased occupied or used by the Named Insured, and/or (d) permits issued for operations performed by the Named Insured. {Note: MEETS OR EXCEEDS ISO Form # CG 20 10 11 85}		
<input type="checkbox"/> <b>Auto Liability:</b> the ownership, operation, maintenance, use, loading or unloading of any auto owned, leased, hired or borrowed by the Named Insured, regardless of whether liability is attributable to the Named Insured or a combination of the Named Insured and the Additional Insured, its elected or appointed officers, officials, employees or volunteers.		
<input type="checkbox"/> <b>Other:</b>		
<b>Certificates of Insurance Required (no endorsement needed) (Check all that apply)</b>	<b>Insurer</b>	<b>Policy No.</b>
<input type="checkbox"/> <b>Workers Compensation:</b> work performed by employees of the Named Insured while those employees are engaged in work under the simultaneous directions and control of the Named Insured and the Additional Insured.		
<input type="checkbox"/> <b>Professional Liability:</b>		

**PRIMARY/NON-CONTRIBUTORY:** This insurance is primary and is not additional to or contributing with any other insurance carried by or for the benefit of Additional Insureds.

**SEVERABILITY OF INTEREST:** The insurance afforded by this policy applies separately to each insured who is seeking coverage or against whom a claim is made or a suit is brought, except with respect to the insurer's limit of liability.

**PROVISIONS REGARDING THE INSURED'S DUTIES AFTER ACCIDENT OR LOSS:** Any failure to comply with reporting provisions of the policy shall not affect coverage provided to the Additional Insured, its elected or appointed officers, officials, employees, or volunteers.

**CANCELLATION NOTICE:** The insurance afforded by this policy shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice (ten (10) days if canceled due to non-payment) by regular mail return receipt requested has been given to the Additional Insured. Such notice shall be addressed as shown above.

**WAIVER OF SUBROGATION:** The insurer(s) named above agree to waive all rights of subrogation against the CITY/District, its elected or appointed officers, officials, agents, volunteers and employees for losses paid under the terms of this policy which arise from work performed by the Named Insured for the CITY/District.

Nothing herein contained shall vary, alter or extend any provision or condition of the Policy other than as above stated.

**SIGNATURE OF INSURER OR AUTHORIZED REPRESENTATIVE OF THE INSURER**

I, \_\_\_\_\_ (print/type name), warrant that I have authority to bind the above-named insurance company and by my signature hereon do so bind this company.

\_\_\_\_\_  
**SIGNATURE OF AUTHORIZED REPRESENTATIVE (original signature required)**

**ORGANIZATION:** \_\_\_\_\_ **TITLE:** \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: (        ) \_\_\_\_\_

DATE ISSUED: \_\_\_\_\_





DATE: October 17, 2016

TO: Mayor and Members of the City Council

VIA: Kevin M. Miller, City Manager

FROM: Jeff Moneda, Public Works Director/City Engineer  
Jennifer Liu, Parks and Recreation Director  
Curtis Banks, Community Development Director

SUBJECT: CAPITAL IMPROVEMENT PROJECTS AND LAND DEVELOPMENT  
PROJECTS QUARTERLY STATUS REPORT FOR FIRST QUARTER  
OF FY 2016-2017

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### RECOMMENDATION

It is recommended that the City Council receive a quarterly report on the status of Capital Improvement Projects and Land Development Projects for the First Quarter of FY 2016-2017.

### INTRODUCTION

The Public Works and Parks and Recreation Departments are responsible for the Capital Improvement Program (CIP), which consists of projects that maintain and enhance the City/District's infrastructure of park improvements, roadways, sidewalks, utilities, structures, and facilities for the benefit of the community. The primary objective of the CIP is to develop and implement projects to ensure continued and reliable delivery of service to meet the City/District's needs.

The Community Development Department is responsible for reviewing and processing applications for all development proposals and ensuring that all construction projects permitted within the City comply with the California Building Code, the Foster City Municipal Code and all other applicable codes and regulations.

Attached is an exhibit for the Public Works Department, Parks and Recreation

Department, and Community Development Department, which provide a comprehensive status report of current Capital Improvement Projects and Land Development Projects, as of September 30, 2016.

Attachment:

- Exhibit A – Project Coordination Update Spreadsheet

# Major Project Coordination Report - October 2016

PROJECT	STATUS UPDATE AND NEXT STEPS	LEAD DEPT.	EST. COMPLETION DATE
<b>CIP PROJECTS</b>			
<b>CORPORATION YARD FACILITY IMPROVEMENTS (2016-2017)</b> Description: Men's Locker Room (ADA Compliant); Men's Shower Room improvements; Kitchen/Lunch Room (ADA Compliant); Refurbish and replace Corporation Yard Gates;Roof Replacements	Facility walk through with architects conducted the week of 9/12/16. Architects to develops plans for bid. RFP will go to Council first quart of 2017. This is a two phase project: Phase 1 = Locker/Shower; Phase II = Gates, Roof)	Parks & Recreation	June 2018
<b>LEEVE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (2016-2017)</b> Description: Continuation of public outreach and engineering design work using the information presented in the Technical Memorandum and preparation of plans and specifications suitable for construction.	2 Community Meetings were conducted, one with businesses and the other with the residential community. EIR and Preliminary Design is currently in progress. Meetings with regulatory agencies are on-going. Staff is working with the City's Financial Advisor consultant and Assessment District consultant on financing alternatives. The next scheduled community meeting is on 10/27/16 with Beach Park Blvd. frontage residents near Bowditch Elementary School	Public Works	July 2020
<b>SOCCER FIELDS S1, S2 AND B1 BASEBALL FIELD SYNTHETIC TURF INSTALLATION – SEA CLOUD PARK &amp; SYNTHETIC TURF REPLACEMENT – CATAMARAN PARK (2016-2017)</b> Description: Soccer Fields S1, S2, and Baseball Field B1 Synthetic Turf Installation at Sea Cloud Park; and Catamaran Synthetic Turf Replacement	Project kick off meeting with City staff and Verde completed on 8/30. Meeting scheduled with City staff, Verde, and youth sports groups 10/10.  Verde provided RFP for survey and geotechnical work. Agreements in progress for both pieces of work.  Design is schedule through March 2017.	Parks & Recreation	October 2017
<b>STREET REHABILITATION (2016-2017)</b> Description: Repair/resurface public streets	Design to occur in April 2017 with Construction in August 2017	Public Works	October 2017
<b>WASTEWATER TREATMENT PLANT MASTER PLAN IMPROVEMENTS (2016-2017)</b> Description: Conduct a study of the Water Distribution System to identify deficiencies and prioritize improvements to be included in the long-range CIP plan	Construction Management at Risk method approved by both City Councils on May 2016. Design and construction for various elements of WWTP on-going. Staff is working with the City's Financial Advisor consultant in developing funding alternatives to present to City Council for consideration.	Public Works	December 2026

PROJECT	STATUS UPDATE AND NEXT STEPS	LEAD DEPT.	EST. COMPLETION DATE
<b>REMOVE AND RECOAT WATER TANKS 1, 2 AND 3</b> Description: Protective coating on three (3) steel water tanks is beginning to show signs of failure. This failure requires that the coatings be refurbished and or replaced.	Inspection and Design to occur in Spring 2017. Construction scheduled for Summer 2017	Public Works	December 2017
<b>SANITARY SEWER FORCE MAIN REHABILITATION (2016-2017)</b> Description: Project includes permanently fixing the sewer force main prior to the Edgewater Boulevard street overlay project scheduled to begin in FY 2017-2018	Design to commence in Spring 2017 with construction to commence in Fall 2017	Public Works	April 2017
<b>WASTEWATER COLLECTION SYSTEM MASTER PLAN STUDY (2016-2017)</b> Description: The Wastewater Collection System Master Plan will be used to identify system deficiencies and help to prioritize improvements to be included in the long-range CIP	RFP to be prepared in Fall 2016 with Master Plan to commence in Spring 2017 and be completed by Spring 2018	Public Works	March 2018
<b>BICYCLE, PEDESTRIAN, AND INTERSECTION EVALUATION STUDY (2016-2017)</b> Description: Study will include technical studies of the City's current roadway network to determine whether it adequately serves the needs of its residents and community, or if improvements are needed.	RFP scope of work was presented to City Council on 8/1/16. Award of Contract to occur in November 2016. Study anticipated to be completed by Spring 2017.	Public Works	May 2017
<b>SIDEWALK INSTALLATION ADJACENT TO BRIDGEVIEW PARK ENTRANCE (2016-2017)</b> Description: Construct sidewalk, curb, and gutter along Beach Park Boulevard adjacent to Bridgeview Park entrance. Approximately, 1,100 lf of new sidewalk will be installed on either side of the Bridgeview Park driveway connecting the existing sidewalks	Design in progress with construction scheduled for Spring 2017	Public Works	May 2017
<b>REHABILITATION OF CROSSWALK PAVERS ON CHESS DRIVE (2016-2017)</b> Description: Replacement of the brick pavers and concrete bands on Chess Drive	To be included with Pavement Rehabilitation Project. The Council has directed staff to proceed with replacing the brick pavers and concrete bands in traditional asphalt concrete. Construction anticipated in August 2017	Public Works	December 2017
<b>ROAD IMPROVEMENTS AT METRO CENTER BOULEVARD AND SR 92 ON-RAMP (2016-2017)</b> Description: Addition of a 2nd right-turn lane on southbound Foster City Boulevard at Metro Center; Extension of merge lane on the SR 92 on-ramp by approximately 400 feet would increase the storage of the on-ramp and reduce vehicle queues	This project is for the design of Biomed's Trans-2 and Trans-8 EIR requirements. Preliminary design and cost estimates are in progress. Traffic improvement requirements (Master Plan for Gilead, Chess Offices, Pilgrim/Triton, and Foster Square) is a separate project and is pending on the development of the Chess development project.	Public Works	October 2016

PROJECT	STATUS UPDATE AND NEXT STEPS	LEAD DEPT.	EST. COMPLETION DATE
<b>PARKS INFRASTRUCTURE IMPROVEMENTS - CIP 650</b> Description: Easement Improvements; Catamaran Park Playground ADA Upgrade and Beach; Grading Repair at Sea Cloud S-3	Complete. To be closed out after Catamaran playground repairs have met satisfactory expectations. Repairs began 9/20 and are currently in progress. The playground will be closed during time of repairs. Notice of completion is tentatively planned for 11/21.	Parks & Recreation	December 2016
<b>PARKS INFRASTRUCTURE IMPROVEMENTS - CIP 656</b> Description: Boardwalk refinishing; Lawn Conversions; Park Pathway Renovation/Repairs; Restroom Roof Replacements	Boardwalk - Agreeemnt signed in the amount of \$25,200. Work to take place in September 22 - October 14, 2016.  Lawn Conversions  Library - Phase I of project along Shell Blvd to be complete by February 2017 with anticipated Phase II (FY 17-18) and III (FY 18-19)  City Hall - to be evaluated and include alternate plan for fountain areas  Recreation Center - not prioritizing based on Recreation Center Study  Catamaran Park - beginning initial conversion concept  Park Pathways - added to PW CIP 653 (October 2016 target completion)  Restroom Roofs - Catamaran and Boothbay (complete)	Parks & Recreation	June 2017
<b>SEWER SYSTEM REHABILITATION (CIP 455-611) FY 2015-16</b> Description: Rehabilitation of sewer infrastructure	Technical Memo has been completed. Currently in pre-design stage.	Public Works	June 2017
<b>VINTAGE PARK BRIDGE REHABILITATION (CIP 301-621) FY 2015-16</b> Description: REHABILITATION OF THE VINTAGE PARK BRIDGE	Bridge re-opened on 7/1/16. Currently completing construction punchlist items.	Public Works	August 2016

PROJECT	STATUS UPDATE AND NEXT STEPS	LEAD DEPT.	EST. COMPLETION DATE
<b>SANITARY SEWER LIFT STATION IMPROVEMENTS (CIP 455-626) FY 2015-16</b> Description: Rehabilitation/improvements to any of 48 sewer lift stations	95% design completed	Public Works	June 2018
<b>DREDGING AT THE LAGOON INTAKE STRUCTURE (CIP 301-629) FY 2015-16</b> Description: Dredging is necessary due to a build-up of sediment in the lagoon intake area.	EIR has been completed and will be taken to City Council after regulatory permits have been received. Award of contract is anticipated to occur in 1st quarter of 2017, with construction occurring between 9/1/17 and 10/15/17 per regulatory requirements. Dredge spoils will be taken to an off-site location, which is the least costly alternative.	Public Works	October 2017
<b>ROADWAY MODIFICATIONS AT CHESS DRIVE AND FCB (CIP 301-635)</b> Description: Traffic Mitigation Project for Chess/FCB	Based on Developer's schedule to provide funding. Design 95% complete. This project is pending the development of the Chess Offices project.	Public Works	December 2017
<b>ROAD WIDENING, FCB AT CHESS DRIVE (CIP 301-637)</b> Description: Traffic Mitigation Improvement Project FCB at Chess Drive	Based on Developer's schedule to provide funding. Design 95% complete. This project is pending the development of the Chess Offices project.	Public Works	December 2017
<b>WATER SYSTEM IMPROVEMENTS AND VALVE REPLACEMENT (CIP 405-636)</b> Description: Water Infrastructure rehabilitation/improvements	90% design complete.	Public Works	June 2017
<b>LIFT STATION 59 EFFLUENT LINE IMPROVEMENTS (CIP 455-645)</b> Description: Improvements/Rehabilitation to LS 59	95% complete with construction. Notice of Completion scheduled for August 2016	Public Works	August 2016
<b>PAVEMENT REHABILITATION (CIP 301-646)</b> Description: Pavement Rehabilitation of various public streets	Award of Contract 7/18/16. Construction in progress and anticipated to be completed October 2016	Public Works	October 2016

6.4.17

PROJECT	STATUS UPDATE AND NEXT STEPS	LEAD DEPT.	EST. COMPLETION DATE
<b>FOSTER SQUARE</b>			
<b>SENIOR HOUSING BY LENNAR HOMES</b> Description: 200 market rate for sale senior housing units built by Lennar Homes	Sales trailer opened week of June 20th. Started selling units in Fall 2016.  First nineteen units sold. Units to be occupied in early 2017.	Community Development	January 1
<b>ALMA POINT</b> Description: 66 affordable senior housing apartment units built by MidPen Housing. The ground floor will consist of a variety of neighborhood retail uses	Nearly complete. Occupancy should occur in early July.  TCO granted and occupants starting to move in.	Community Development	July 2016
<b>ATRIA</b> Description: 155 assisted and independent living apartment units including 24 units designed for Memory Care services. The ground floor will consist of a variety of neighborhood retail uses.	Construction due to be completed by Dec 2016.  The retail developer will take possession of the site when the retail shell is complete at which point they can begin to sign leases.	Community Development	December 2016
<b>GILEAD CAMPUS</b>			
<b>Building 309</b> Description: 10 Story Office Building and Meeting Center	Office building complete and being occupied. Meeting center under construction. due to be completed by the end of June.  TCO issued on July 6. Expires on Jan 6, 2017.	Community Development	January 2017
<b>357 Lakeside Dr. Lab Building</b> Description: Construct a new 231,000 square foot lab building.	Use Permit approved on June 2, 2016  Demolition permit issued on June 8, 2016. Construction underway.	Community Development	January 1

6.4.1  
8

PROJECT	STATUS UPDATE AND NEXT STEPS	LEAD DEPT.	EST. COMPLETION DATE
<b>324 Lakeside Dr. Lab Building</b> Description: Construct a new 357,000 square foot lab building	1st Planning Commission Study Session held on June 16, 2016. 2nd Study Session scheduled for October 6, 2016.  Demolition permit approved and demolition to start the week of September 26, 2016.	Community Development	January 1
<b>Gilead General Development Plan Amendment</b> Description: Amend GDP to increase allowed lab building square footage by 250,000 square feet and reduce office square footage by 250,000	Preliminary Development Review Meeting held on May 2, 2016  Planning Commission Public Hearing scheduled for July 7, 2016  City Council approved 1st reading on August 15, 2016 and reading approved on September 19, 2016.	Community Development	September 2016
<b>ILLUMINA CAMPUS (BIOMED)</b>			
<b>LINCOLN CENTRE LIFE SCIENCES RESEARCH CAMPUS</b> Description: Redevelopment of the existing ±280,000 square foot Lincoln Centre Campus to a ±595,000 square foot biomedical and life sciences research facility including a ±555,000 square feet of lab/office space and a ±40,000 square foot amenities building	Under construction. Currently reviewing Core and Shell and Tenant Improvement Permits.	Community Development	January 1
<b>POLICY INITIATIVES</b>			
<b>COMMERCIAL LINKAGE FEE</b> Description: The purpose of this fee would be to mitigate the impacts of an increase in affordable	City Council Study Session held for August 15, 2016.  City Council adopted a order authorizing staff to prepare a commercial nexus fee ordinance. CDD and the City Attorney will be preparing the draft ordinance for the review by the PC and approval by the CC.  Planning Commission hearing on draft ordinance tentatively scheduled on October 6, 2016. City Council hearing tentatively scheduled for November 21, 2016.	Community Development	December 2016

PROJECT	STATUS UPDATE AND NEXT STEPS	LEAD DEPT.	EST. COMPLETION DATE
<b>RECREATION CENTER SCOPING STUDY</b>			
<b>Community Steering Committee on the Recreation Center Master Plan</b> Description: Subcommittee to perform community outreach to determine programs and services and facility requirements for a new Recreation Center	Recreation Center Community Steering Committee (CSC) met on September 13, 2016 with a presentation from RJM Design Group who staff recommended facilitate the public meetings and data synthesis.  RJM Design Group agreement approved by CSC and authorized by the City Manager. Outreach plan is being developed by City staff and RJM and will be routed through the CSC for comment.  Outreach plan will go to Council October 17, 2016. If approved, community outreach will be conducted October 2016 - January 2017 with findings to be presented to Council in February 2017.  Concurrently, testing of Recreation Center roof and structure will occur between October 2016-January 2017.	Parks & Recreation	December 2020
<b>LEO RYAN PARK LAWN CONVERSION AND BOCCE COURTS - CIP 655</b> Description: Renovation of existing 2 bocce courts; addition of 2 bocce courts; lawn conversion to drought tolerant landscape materials; picnic and hardscape area	Design phase completed. Project on hold until completion of Recreation Center Study.  It is the intent to incorporate design into the Recreation Center project.	Parks & Recreation	December 8900
<b>RETAIL ADJACENT TO TOWNE PLACE SUITES</b>			
<b>Retail Center</b> Description: 12,000 square feet of leasable space for restaurant and retail	Under construction. Have issued tenant improvement plans for Fed Ex, Mod Pizza and Habit Burger.	Community Development	November 2016
<b>TOWNE PLACE SUITES</b>			
<b>TOWNEPLACE SUITES</b> Description: 69,715 square feet in size and five stories tall, 121-room extended stay hotel	Under construction.	Community Development	December 2016

6.4.1-10

PROJECT	STATUS UPDATE AND NEXT STEPS	LEAD DEPT.	EST. COMPLETION DATE
TRITON-PILGRIM			
<b>THE PLAZA</b> Description: 307 luxury apartments, 8,100 square feet of ground floor retail	Completed 2013.	Community Development	January 1
<b>THE TRITON</b> Description: 5,000 square feet of ground floor retail, 220 apartments and and 20 townhome residential units, up to 53,000 square feet of office/commercial space	Apartment under construction approximately 65% complete. Thompson Dorfman marketing townhome site for sale.	Community Development	January 1
<b>100 GRAND</b> Description: 166 multi-family residential units and 12,000 sq. ft. retail, 43,000 square feet of office/commercial space	Final occupancy has been granted for all 166 units and commercial space. Approximately 100 units have been leased and 95 are occupied. Payment for Pilgrim Dr. repairs was received prior to granting of final occupancy.	Community Development	January 1
<b>Pilgrim Triton Phase C</b> Description: Amend the General Development Plan and Development Agreement to allow 68 townhouses in place of 172,000 square feet of office/ground floor commercial.	Development Project Preliminary Review meeting held with City Council on August 1, 2016.  1st Planning Commission Study Session held on September 15, 2016. Staff will initiate studies for traffic, water, fiscal analysis and review of impacts to retail tenants and future office needs.	Community Development	January 1





DATE: October 17, 2016

TO: Mayor and Members of the City Council

VIA: Kevin M. Miller, City Manager

FROM: Jeff Moneda, Public Works Director/City Engineer  
Curtis Banks, Community Development Director

SUBJECT: DREDGING AT THE LAGOON INTAKE STRUCTURE PROJECT (CIP 301-629): APPROVAL OF THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND THE PLANS AND SPECIFICATIONS AND AUTHORIZATION TO CALL FOR BIDS

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### RECOMMENDATION

It is recommended that the City Council adopt the attached resolutions approving:

1. The Mitigated Negative Declaration of Environmental Impact (MND) that analyzes the environmental impacts associated with the proposed Dredging at the Lagoon Intake Structure Project (CIP 301-629) and a mitigation monitoring reporting program to eliminate any potential significant impacts (SCH #2016052002); and
2. The plans and specifications and authorizing the call for bids for the Dredging at the Lagoon Intake Structure Project (CIP 301-629).

### EXECUTIVE SUMMARY

The project consists of removing accumulated sediment on the Belmont Slough side of the lagoon intake structure and restoring the channel to the 1978 condition, when it was last dredged. Approval of the recommended action will allow staff to advertise the project for bidding, with construction anticipated to take place between September 1, 2017 and November 30, 2017, within the allowable construction window permitted by the regulatory agencies. Funding in the amount of approximately \$1.6 million is currently available for the

project.

## BACKGROUND

The water level in the lagoon is controlled by allowing water into the lagoon through the intake gates near Sea Cloud Park and pumping the water out at the Lagoon Pump Station located at the Corporation Yard on East Third Avenue. Over the years, sedimentation has built up on the Belmont Slough side of the intake gates, resulting in limited water flow into the lagoon. The sedimentation obstructs water from flowing into the lagoon, except during periods of high tides, limiting operational flexibility. Sediment accumulation over the years also blocks the Bay Level Transducer from reading accurate water level for monitoring on the Supervisory Control and Data Acquisition (SCADA) system. The lagoon channel has not been dredged since 1978. The current disposal plan is to dredge and haul approximately 13,500 cubic yards of sediment to the Cullinan Ranch Tidal Restoration Project near Vallejo, California, which is the least expensive alternative.

Resolution No. 2013-85, adopted at the City Council meeting on November 18, 2013, awarded the contract to Huffman-Broadway Group, Inc. for assistance with regulatory permitting and preparing construction documents suitable for bidding. All of the necessary permits from various regulatory agencies, including the U.S. Army Corps of Engineers, San Francisco Bay Regional Water Quality Control Board, San Francisco Conservation and Development Commission (BCDC), U.S. Fish and Wildlife Service, and National Marine Fisheries Service related to federal-listed species, have been received. The approved permit restricts the window of dredging work between September 1, 2017 and November 30, 2017.

## ANALYSIS

Two (2) basic methods of dredging were identified: clam shell dredging and hydraulic dredging. Based on the discussions with the regulatory staff, only clam shell dredging will be allowed for this project based on the concerns regarding impacts to federally-listed fish species.

Five (5) alternate locations were identified as potential disposal sites. These include:

**Disposal Option 1:** Sea Cloud Phase II Basin (also known as the Foster City Lagoon Dredge Disposal Site) is approximately 19 acres, immediately south of the project site. Public access is not permitted within the basin. The majority of the basin is open water during the winter/spring seasons and typically dries up during summer. The basin was intentionally constructed on fill material discharged under U.S. Army Corps Permit No. 9318-49, issued on February 20, 1976. This site was used to discharge dredge material and decant water during the construction of the Foster City Lagoon in 1978. It was also used as a mitigation site for the Foster City Lagoon Dredging Project in 2004. The

Engineer's Estimate to use this site for disposal is approximately \$2.2 million, which includes construction support services and biological monitoring during construction.

**Disposal Option 2:** Cullinan Ranch Tidal Restoration Project Site is west of the City of Vallejo in the Napa River Delta. The site is on the north side of Highway 37, approximately 50 miles from the project site and accessible only by barge. The Cullinan Ranch is restoring over 1,500 acres of tidal wetlands in the San Pablo Bay National Wildlife Refuge. The site only accepts clean disposal material and test samples taken from the project site came back meeting the requirements for disposal at this site. The Engineer's Estimate to haul dredge material to this site is approximately \$1.4 million, which includes construction support services and biological monitoring during construction.

**Disposal Option 3:** Montezuma Wetland Restoration Project Site is adjacent to the Montezuma Slough in Solano County, east of the Grizzly Island Wildlife Area and south of Highway 12. This privately owned site is approximately 72 miles from the project site. This site can be used if the disposal material is contaminated. The Engineer's Estimate to haul the dredge material to this site is approximately \$3.3 million, which includes construction support services and biological monitoring during construction.

**Disposal Option 4:** Sea Cloud Park Upland Disposal Site is between Sea Cloud Park and the Sea Cloud Phase II site along the upland area on the perimeter of the levee. The site slopes from the fence to the basin and extends for approximately 1,100 linear feet from the southern end of Sea Cloud Phase II basin to the north end of the basin, and the usable area is approximately 60-feet wide. If this site is used, the City will need to construct a mitigation site elsewhere and provide 5 years of successful monitoring. The Engineer's Estimate to use this site is approximately \$2.8 million, which includes construction support services and biological monitoring during construction.

**Disposal Option 5:** Alcatraz Disposal Site is in the San Francisco Bay, 0.3 miles south of Alcatraz Island. This location is designed and operated specifically for the depositing of dredge material. The Engineer's Estimate to haul dredge material to this site by barge is approximately \$1.7 million, which includes construction support services and biological monitoring during construction.

During staff's analysis of potential disposal site options, it was discovered that Disposal Option 5, located in Alcatraz, is now closed and no longer available. Based on the Engineer's Estimates, it was determined that Disposal Option 2, at Cullinan Ranch, provides the least expensive cost alternative. Although Disposal Options 1 and 4 are local, they are more expensive because they each require the following:

- Site preparation;
- Pump handling of the dredge material to the disposal location;
- Post dredge material disposal site restoration;

- Construction of a wetland mitigation site and 5-year monitoring for Disposal Option 4, in addition to the above.

Disposal Option 3, located in Montezuma, is also more expensive than Disposal Option 2 because it charges premium for contaminated material. Since the dredge material from the project is not contaminated, Disposal Option 2, at Cullinan Ranch, is the most economical because the dredge material can be hauled and dumped at the site without any of the above requirements.

The construction documents are now complete and the project is ready for bidding. A copy has been placed in the City Council's office for review. The following is the tentative project schedule:

- |   |                               |
|---|-------------------------------|
| • Approval of the Mitigated Negative Declaration                        | Oct. 17, 2016                 |
| • Approval of Plans & Specifications and Authorization to Call for Bids | Oct. 17, 2016                 |
| • Bid Opening   | Feb. 9, 2017                  |
| • Award of Construction Contract  | Mar. 20, 2017                 |
| • Construction  | Sept. 1, 2017 - Nov. 30, 2017 |
| • Notice of Completion  | Feb. 2018                     |

*Environmental Assessment:* The City of Foster City, as the lead agency, prepared an Initial Study (IS) which analyzed the environmental impacts of the proposed dredging project in accordance with Sections 15063 and 15070 of the California Environmental Quality Act (CEQA), the State CEQA guidelines adopted by the Secretary of Resources, and the City of Foster City Environmental Review Guidelines. The IS concluded that although the project has some potential for significant adverse environmental impacts, these impacts can be mitigated to less than significant levels by the inclusion of project mitigation measures. Some of the impacts identified in the IS and the accompanying mitigation measures apply to all of the disposal options, while others apply only to some or one of the options. There are a total of 34 mitigation measures, with 18 of the 34 mitigation measures applying to all five options, while the remaining 16 apply to specific options. The following environmental areas are affected with the project:

- **Aesthetics**
- **Air Quality**
- **Biological Resources**
- **Cultural Resources**
- **Hydrology and Water Quality**
- **Geology and Soils**
- **Hazards**

- **Noise**

The environmental impacts of disposing the dredge material on-site (Option 1) are greater and require more mitigation measures compared to disposing the dredge material at Disposal Options 2, 3 and 5. Disposal Option 4 requires the most mitigation measures (2 more than Option 1). The total number of mitigation measures for each disposal option is summarized below:

- Option 1 On-site (Sea Cloud Phase II): 31
- Option 2 Off-site (Cullinan Ranch): 18
- Option 3 Off-site (Montezuma): 19
- Option 4 On-site (Upland Disposal Site): 33
- Option 5 Off-site (Alcatraz): 18

While some disposal site options require more mitigation than others, the impacts resulting from the project under any of the five disposal site options can be mitigated to less than significant levels by project mitigation measures. Because all the project impacts under any of the disposal site options can be mitigated to less than significant levels, a MND was prepared consisting of the IS documenting the findings and recommendations for reducing any potential significant impacts to less than significant levels.

Pursuant to Sections 15072 and 15073 of the State CEQA Guidelines, a Notice of Intent to adopt the MND was provided to the public, responsible agencies and the State Clearinghouse on April 29, 2016. A copy of the MND is attached to this report and was distributed to public agencies and made available to the general public for a 30-day public comment period beginning Monday, May 2, 2016 and ending Tuesday, May 31, 2016 at 5:00 p.m. Additionally, the Notice of Intent to adopt a MND was published in the newspaper and mailed to property owner(s) within a 500-foot radius.

On May 19, 2016, the Planning Commission held a Public Hearing to review the adequacy of the MND and recommended City Council approval of the MND by adoption of Resolution No. P-11-16. No written or verbal comments were received by the City on the MND at the public hearing.

One (1) letter dated May 31, 2016 received after the public hearing and before the end of the public comment period was received from the California State Lands Commission (CSLC). In accordance with CEQA Guidelines Section 15074(b), the decision-making body of the lead agency must consider the MND and any comments received before approving the project. Although CEQA does not require a written response to the comments received during the public review process for an MND (as it does for an Environmental Impact Report), City staff prepared and provided these responses to the City Council, as the decision-making body, for their consideration. This information contained in the Responses to Comments (RTC) on the Dredging at Lagoon Intake Structure IS/MND document is

attached to this report with the MND. The RTC document addresses comments received from the CSLC as well as specific revisions to the text of the MND in response to the comments.

The MND includes a list of mitigation measures that reduce potentially significant impacts to a less than significant level. A Mitigation Monitoring and Reporting Program to assign responsibility and timing for implementation of the mitigation measures is also included as an exhibit to the Resolution. Because all potential impacts associated with the project were found to be less than significant with the incorporation of the mitigation measures, the project would not result in any significant environmental impacts. Therefore, an MND, in accordance with CEQA, is the appropriate environmental document for the project.

### FISCAL IMPACT

Approximately \$1.6 million is available for construction in the approved budget. The Engineer's Estimate for construction and support services is \$1.4 million for disposal at the Cullinan Ranch site. Adequate funding is available to fully fund the construction. The award of construction is scheduled for the City Council meeting on March 20, 2017.

#### Attachments:

- Resolution Approving the Environmental Assessment and Exhibit A, Mitigation Monitoring and Reporting Program
- Resolution Approving Plans and Specifications
- Dredging at the Lagoon Intake Structure Initial Study and Mitigated Negative Declaration and Response to Comments \*\*available at <http://www.fostercity.org/publicworks/features/upload/Dredging-and-Lagoon-Intake-Structure-Mitigated-Negative-Declaration-and-Response-to-Comments.pdf> or in the City Council's office

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY APPROVING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE DREDGING AT THE LAGOON INTAKE STRUCTURE CAPITAL IMPROVEMENT PROJECT (CIP 301-629) – EA-15-003

CITY OF FOSTER CITY

WHEREAS, the City Council of the City of Foster City adopted Resolution No. 2012-51 at the June 18, 2012 meeting adopting the City Budget and Table C Capital Improvement Project Plan for Fiscal Year 2012-2013, which included the Dredging at the Lagoon Intake Structure Capital Improvement Project (Project) (CIP 301-629); and

WHEREAS, the City Council of the City of Foster City adopted Resolution No. 2013-85 at the November 18, 2013 meeting, awarding the contract to Huffman-Broadway Group, Inc. for assistance with regulatory permitting and preparation of construction documents for the Project; and

WHEREAS, the City of Foster City in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines adopted by the Secretary of Resources, and the City of Foster City Environmental Review Guidelines, has prepared an Initial Study (IS) to determine if the project would have a significant effect on the environment; and

WHEREAS, based on the IS and in accordance with Section 15070 of the State CEQA Guidelines and the Foster City Environmental Review Guidelines, the IS concluded that implementation of the Project could result in significant environmental impacts and identified mitigation measures that would reduce the significant impacts to a less-than-significant level and therefore a Mitigated Negative Declaration of Environmental Impact (MND) was prepared (SCH# 2016052002); and

WHEREAS, the City filed a Notice of Completion of the IS/MND and in accordance with CEQA forwarded the IS/MND to the State Clearinghouse on April 29, 2016 for distribution to those state agencies that have discretionary approval or jurisdiction by law over natural resources affected by the Project; and

WHEREAS, the City provided notice to all interested persons and agencies inviting comments on the IS/MND in accordance with the provisions of CEQA, the State CEQA Guidelines and the City of Foster City Environmental Review Guidelines; and

WHEREAS, a Notice of Availability of the IS/MND was distributed to public agencies, interested groups, property owners within a 500-foot radius of the site and

made available to the general public a 30-day public comment period beginning Monday, May 2, 2016, and ending Tuesday, May 31, 2016, at 5:00 p.m.; and

WHEREAS, the IS/MND determined that, with the incorporation of mitigation measures, the Project would not have a significant effect on the environment; and

WHEREAS, on May 19, 2016, by Resolution No. P-11-16, the Planning Commission unanimously recommended City Council approval of the IS/MND and the Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, a letter from the California State Lands Commission dated May 31, 2016 was received in response to the IS/MND and a Responses to Comments document (RTC) has been prepared addressing the comments provided and indicating certain minor text revisions which the RTC concluded do not significantly alter the conclusions or findings of the MND or result in new or more severe significant effects; and

WHEREAS, the RTC and the IS/MND collectively constitute the Final IS/MND; and

WHEREAS, a Notice of Public Hearing was duly posted, published, and mailed for consideration of the Final IS/MND at the City Council meeting of October 17, 2016, and on said date the Public Hearing was opened, held and closed; and

WHEREAS, consistent with Public Resources Code Section 21081.6(a)(2), the documents which constitute the record for this Project are located at the offices of the City of Foster City and may be inspected by any person.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Foster City, based on the whole record before it including the facts and analysis in the IS/MND, the MMRP, written and oral comments, responses to comments, and mitigation measures included in the Final IS/MND and MMRP, finds that:

1. The Final IS/MND has been completed in accordance with CEQA, the State CEQA Guidelines and the City of Foster City Environmental Review Guidelines; and
2. The Final IS/MND reflects the City's independent judgement; and
3. The Final IS/MND adequately describes the environmental impacts of the proposed Project; and
4. All potential impacts associated with the Project were found to be less than significant with incorporation of the mitigation measures identified in the Final IS/MND and the MMRP. Therefore, the Project would not result in any

significant environmental impacts and an MND, in accordance with CEQA, is the appropriate environmental document for the Project; and

5. The mitigation measures identified in the Final IS/MND and MMRP have been incorporated and will be enforced and monitored as a part of the project; and
6. The proposed project is consistent with the General Plan Goals S-4 and General Plan Policy S-g.

BE IT FURTHER RESOLVED that having made all of the foregoing findings, the City Council of the City of Foster City does hereby adopt the Final Initial Study/ Mitigated Negative Declaration of Environmental Impact (EA-15-003) pursuant to Public Resources Code § 21080(c)(2) and does hereby adopt the related Mitigation Monitoring and Reporting Program for the Dredging at the Lagoon Intake Structure Capital Improvement Project (CIP 301-629) attached hereto as Exhibit A, pursuant to Public Resources Code § 21081.6(a)(1).

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 17<sup>th</sup> day of October, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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HERB PEREZ, MAYOR

ATTEST:

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DORIS L. PALMER, CITY CLERK

## EXHIBIT A

### Mitigation Monitoring and Reporting Program For the Foster City Dredging at Lagoon Intake Structure Project

## MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based on the findings of the Initial Study with Mitigated Negative Declaration (IS-MND) prepared for the Foster City Dredging at Lagoon Intake Structure Project in the City of Foster City. This MMRP complies with Section 15097 of the *CEQA Guidelines*, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The MMRP lists mitigation measures recommended in the IS-MND and identifies mitigation monitoring requirements.

The MMRP table below presents the mitigation measures identified in the Foster City Dredging at Lagoon Intake Structure Project IS-MND necessary to mitigate potentially significant impacts. Each mitigation measure is numbered according to the topical section to which it pertains in the IS-MND. As an example, Mitigation Measure AES-1-DO-4 is the first mitigation measure identified in the IS-MND for the Foster City Dredging at Lagoon Intake Structure Project in Section I, Aesthetics.

The first column of the MMRP table identifies the Mitigation Measure. The second column identifies implementation action and responsibility, the third column identifies the monitoring schedule or timing, and the fourth column names the party responsible for monitoring and the required monitoring action. The fifth column provides a place to record compliance with monitor dates and initials. This last column will be used by the City to ensure that individual mitigation measures are monitored.

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<b>I. Aesthetics</b>				
<p><u>Mitigation Measure AES-1-DO 4: – Landscaped Berm System:</u> If <b>Disposal Option 4</b> is selected, the berm system constructed for disposal of dredge material would be graded to create a regular slope of approximately 1:1. After grading, the berm would be landscaped on the exterior slope facing Sea Cloud Park. Vegetation selected for this landscaping work would include drought-tolerant plantings compatible with the Foster City Climate Zone that are suitable for the disposal site and consistent with the aesthetic characteristic of the surrounding area and reflective of existing plantings in the surrounding area. The landscaping would enhance the visual quality of the berm system, maximizing its visual appeal and ensuring that it has a minimal visual impact on the surrounding area.</p>	<p>Project Construction Contractor:</p> <ul style="list-style-type: none"> <li>Complete grading and landscaping work accordance with Mitigation Measure AES-1-DO 4</li> <li>Provide a list of proposed planting types in accordance with the species parameters set in Mitigation Measure AES-1-DO 4 to the Foster City Public Works Department for review and approval.</li> </ul>	<p>During Construction</p> <p>Prior to landscape planting</p>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Conduct a site visit during construction to ensure that the berm system slope is graded to a 1:1 slope.</li> <li>Review and approve a list of proposed native, drought-tolerant plantings prior to landscaping work.</li> <li>Conduct a site visit to verify that landscaping work is completed as required in Mitigation Measure AES-1-DO 4.</li> </ul>	
<b>II. Agriculture and Forest Resources</b>				
<i>No Agriculture and Forest Resources mitigation measures are necessary.</i>				
<b>III. Air Quality</b>				
<p><u>Mitigation Measure AQ-1-DO 3: – U.S. EPA's Tier 3 Emission Standards:</u> All diesel marine vessels used during dredging and disposal under <b>Option 3</b> shall meet the U.S. EPA's Tier 3</p>	<p>Project Construction Contractor:</p> <ul style="list-style-type: none"> <li>Use U.S. EPA Tier 3 or higher vessels</li> </ul> <p>Foster City Public Works</p>	<p>Ongoing:</p> <ul style="list-style-type: none"> <li>Throughout construction period.</li> </ul>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Make regular, periodic visits to the project site to ensure</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
emissions standards.	Department: <ul style="list-style-type: none"> <li>Ensure that the construction contractor fully implements as required by Mitigation Measure.</li> </ul>		that equipment-based emissions mitigations are being implemented or emissions thresholds standards achieved.	
<u>Mitigation Measure AQ-2-DO 1 &amp; 4: – Foster City Construction Practices:</u> The project's earth-moving activities under disposal <b>Options 1 and 4</b> shall comply with the following Foster City general construction practices (as applicable) to control dust production and fugitive dust: <ul style="list-style-type: none"> <li>Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing sensitive land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust.</li> <li>Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.</li> <li>Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.</li> <li>Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.</li> <li>Sweep streets daily (with water sweepers) if</li> </ul>	Project Construction Contractor: <ul style="list-style-type: none"> <li>Fully implement all air quality dust control measures as required by the BAAQMD and Foster City general construction practices.</li> </ul> Foster City Public Works Department: <ul style="list-style-type: none"> <li>Ensure that the construction contractor fully implements all air quality dust control measures as required by the BAAQMD and Foster City general construction practices.</li> </ul>	Ongoing; throughout construction period.	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Make regular, periodic visits to the project site to ensure that all dust-control and emissions mitigation measures are being implemented.</li> </ul>	

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Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>visible soil material is carried onto adjacent public streets.</p> <ul style="list-style-type: none"> <li>▪ Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible.</li> <li>▪ Water trucks shall be present and in use at the construction site.</li> <li>▪ All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City to ensure proper control of blowing dust for the duration of the project.</li> <li>▪ Watering on public streets shall not occur.</li> <li>▪ All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure found in Title13 CCR, Section 2485). Clear signage</li> </ul>				

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>shall be provided for construction workers at all access points.</p> <ul style="list-style-type: none"> <li>▪ All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</li> <li>▪ Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the City Engineer.</li> <li>▪ Watering associated with on-site construction activity shall take place between the hours of 8:00 a.m. and 7:00 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust.</li> <li>▪ All public streets and medians soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the City.</li> <li>▪ Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>				

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p><u>Mitigation Measure AQ-3-DO 1 &amp; 4:</u> If either <b>Option 1</b> or <b>4</b> are implemented the following shall be completed to mitigate potential odors related to dewatering dredge materials:</p> <ol style="list-style-type: none"> <li>1. A designated City project liaison shall be responsible for responding to odor complaints during and after dredge spoils placement. The name and phone number of the liaison shall be conspicuously posted at construction areas and on notifications to the nearby residents and businesses.</li> <li>2. If an odor complaint is received, the City shall, within 24 hours, send a monitor to the site to confirm the complaint and meet with the person making the complaint. If the complaint is confirmed, corrective action shall be implemented within 48 hours of receiving the complaint.</li> <li>3. Corrective action may include, but would not be limited to, slowing or stopping placement of dredge material; keeping most of the dredge material wet (since drying and mortality of organisms within the dredge material is likely the primary cause of odor) and allowing only limited areas to dry; applying an odor-suppressing foam or liquid to absorb and/or contain the odors; covering dredge material areas with plastic sheeting; and/or offering to</li> </ol>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>▪ Fully implement odor control activities as described in Mitigation Measure AQ-3-DO 4 if Option 1 or Option 4 is selected.</li> </ul>	<p>Prior to, during, and after construction.</p>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>▪ Ensure that Mitigation Measure AQ-3-DO 4 is implemented if Option 1 or Option 4 is selected.</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
temporarily relocated particularly affected nearby residents.				
<b>IV. Biological Resources</b>				
<p><u>Mitigation Measure BIO-1 (all options): – Avoidance and Mitigation Measures:</u> To minimize potential effects to salt marsh harvest mouse and Ridgway's rail Rail and their habitats, the applicant proposes the following avoidance and minimization measures:</p> <ul style="list-style-type: none"> <li>Dredging shall be conducted between September 1 and January 31 to avoid the nesting season of the Ridgway's Rail. If construction work is proposed after January 31 or prior to September 1, protocol surveys for Ridgway's Rail shall be conducted to determine the extent and location of nesting Ridgway's Rail. Results of protocol breeding surveys shall be submitted to the USFWS for a determination of whether work proposed within 700 feet of a Ridgway's Rail nest (or the activity center of vocalizing Ridgway's Rails) discovered during such surveys shall be rescheduled to occur during the period from September 1 to January 31.</li> </ul> <p>All construction work associated with the</p>	<p>Project Construction Contractor:</p> <ul style="list-style-type: none"> <li>Conduct dredging within specified work windows</li> <li>Ensure work is completed within specified work areas</li> <li>Fully comply with Mitigation Measure BIO-1</li> </ul> <p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Ensure that trail access is limited to bicycle and pedestrian users during construction</li> </ul> <p>Project (USFWS-approved) Biologist:</p> <ul style="list-style-type: none"> <li>Fully comply with Mitigation Measure BIO-1</li> </ul>	Prior to and during construction	<p>Foster Public Works Department:</p> <ul style="list-style-type: none"> <li>Verify compliance by an on-site field visit prior to construction, and on-site visits during construction.</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>staging site, establishment of the dredge pipeline to the <b>Option 4</b> (Sea Cloud Park upload disposal) site, or work within the upland disposal site that is within 250 feet of Belmont Slough shall be conducted during the period between September 1 and January 31.</p> <ul style="list-style-type: none"> <li>▪ A qualified biological monitor(s) shall be present during all construction work taking place adjacent to salt marsh habitats. The monitors are to have demonstrated experience in monitoring sensitive resource issues on construction projects and knowledge of the biology of both salt marsh harvest mouse and Ridgway's Rail. Prior to the initiation of construction, qualifications of the prospective biological monitor(s) shall be submitted to the USFWS for review and approval. The monitor(s) shall have the authority to halt construction, if necessary, when noncompliance actions occur. The biological monitor(s) shall be the contact person for any employee or contractor who might inadvertently kill or injure a listed species or anyone who finds a dead, injured, or entrapped listed species.</li> <li>▪ Before dredging activity begins, efforts should be made to ensure that salt marsh</li> </ul>				

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>harvest mice are not present in wetland areas subject to potential impact. Such areas include the 0.09 acre of salt marsh vegetation on either side of the intake structure. Pickleweed and cordgrass shall be removed from potentially impacted wetland areas using hand tools. Prior to vegetation removal, a biologist shall survey the work zone to ensure no harvest mice or harvest mice nests are present. Once vegetation removal is complete, temporary exclusion fencing shall be placed around the defined work area prior to the start of dredging activities to prevent salt marsh harvest mice from moving into affected areas. The fence shall be made of a material that does not allow harvest mice to pass through, and the bottom should be buried so that mice cannot crawl under the fence. All support for the exclusion fencing shall be placed on the inside of the project site.</p> <ul style="list-style-type: none"> <li>▪ The biological monitor shall provide an endangered species training program to all personnel involved in project construction. At a minimum, the employee education program will consist of a brief presentation by persons knowledgeable about Ridgway's Rail and salt marsh harvest mouse biology and legislative protection to explain</li> </ul>				

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Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>concerns to contractors, their employees, and agency personnel involved with implementation of the project. The program shall include the following: a description of the two species and their habitat needs; any reports of occurrences in the action area; an explanation of the status of the Ridgway's Rail and salt marsh harvest mouse and their protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to these species during the work. Fact sheets containing this information shall be distributed to all involved in the training.</p> <ul style="list-style-type: none"> <li>▪ If a Ridgway's Rail or any mouse species is observed at any time during construction, work shall not be initiated or shall be stopped immediately by the biological monitor until the rail or mouse leaves the vicinity of the work area on its own volition and the USFWS is notified. If the rail or mouse does not leave the work area, work shall not be reinitiated until the USFWS is contacted and has made a decision on how to proceed with work activities. The biological monitor shall direct the contractor on how to proceed accordingly. The biological monitor or any other persons at the site shall not pursue, capture, handle</li> </ul>				

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>or harass any rail or mouse observed.</p> <ul style="list-style-type: none"> <li>All personnel and any equipment shall be required to stay within the designated work sites and access corridors to perform job-related tasks, and shall not be allowed to enter adjacent salt marsh wetlands, drainages, and habitat of listed species. Pets shall not be allowed in or near the work site. Firearms shall not be allowed in or near the work sites. No intentional killing, harassment, or injury of wildlife shall be permitted. The work sites shall be maintained in a clean condition. All trash (e.g., food scraps, cans, bottles, containers, wrappers, cigarette butts, and other discarded items) shall be placed in closed containers and properly disposed of off-site on a daily basis. Trash cans shall be "bear proof" to reduce the amount of waste available to vermin and other predators. No fires shall be permitted in any of the work sites.</li> <li>Use of the trail system along the shoreline shall be limited to pedestrian and/or bicycles only. Public users shall be prohibited from using all-terrain vehicles or other motorized equipment on the trail system. Battery-operated wheelchairs or other similar mechanisms associated with</li> </ul>				

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Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>access for disabled individuals shall be allowed.</p> <ul style="list-style-type: none"> <li>Any night lighting shall be motion-sensing and for security purposes. Light fixtures shall be selected to avoid glare and light spill into adjacent habitat areas.</li> <li>Appropriate erosion control materials such as silt fence and straw rolls shall be installed as needed during construction activities within the project site.</li> <li>Hazardous materials used during the work period (e.g., fuels, lubricants, solvents) shall be controlled, cleaned up, and properly disposed of outside the tidal marsh areas. Refueling areas for any equipment shall be located at upland sites outside of wetlands.</li> <li>After construction, a final clean-up shall include removal of all refuse generated by the work. Vegetation shall not be removed or disturbed in the clean-up process.</li> <li>If requested, before, during, or upon completion of construction, the City shall allow access by USFWS personnel to the work areas to inspect effects, if any, of the actions on the salt marsh harvest mouse or Ridgway's Rail.</li> <li>Subsequent to construction, the project proponent shall submit a compliance</li> </ul>				

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
report, prepared by the biological monitor, to the USFWS within 60 days after completion of the work. This report shall detail the dates the work occurred; information concerning the success of the actions in meeting the recommended avoidance and minimization measures; any effects on the salt marsh harvest mouse and Ridgway's Rail; documentation of the worker environmental awareness training; and any other pertinent information.				
<u>Mitigation Measure BIO-2 (all options): – Work Schedule and Precautions:</u> Conduct all dredging work when special-status fish are least likely to be present (i.e., during a work window from June 1 to October 31 or extended to November 30 as may be allowed by permitting agencies). When combined with the work window required under Mitigation Measure BIO-1, this results in a work window of September 1 through October 31 or possibly November 30. Also exercise proper precautions when working on the bank slope adjacent to San Francisco Bay to decrease any effects on fish habitat.	Project Construction Contractor: <ul style="list-style-type: none"> <li>Conduct dredging within specified work windows</li> <li>Fully comply with Mitigation Measure BIO-2</li> </ul>	During Construction	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Verify compliance by on-site visits during construction.</li> </ul>	
<u>Mitigation Measure BIO-3-DO 4: – Landscaping for Non-native Vegetation:</u> Landscaping should be designed to enhance the wildlife value and aesthetic quality of undeveloped portions of the project site. Where appropriate, vegetation	Project Construction Contractor: <ul style="list-style-type: none"> <li>Replant areas cleared during construction in accordance with Mitigation Measure BIO-3-DO 4</li> </ul>	Post-construction	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Verify compliance by an on-site field visit prior to construction, and on-site</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
removed as a result of project activities should be replaced with native species, which are of value to local wildlife, and native vegetation should be retained. Vegetation removed shall not be replaced with invasive species. Weed management practices could be warranted, including identification and removal of infestations of noxious weeds prior to construction, use of construction equipment and materials such as fill and erosion control devices that are known to be weed-free, and removal of invasive species from areas within the project boundary set aside for conservation purposes as part of project mitigation.	<ul style="list-style-type: none"> <li>Fully comply with Mitigation Measure BIO-3-DO 4</li> </ul>		visits during construction.	
<u>Mitigation Measure BIO-4 (all options): – Authorization of Proposed Project:</u> The City of Foster City will have relevant agencies process the Consolidated Dredged Material Reuse/Disposal Application for authorization to proceed with the proposed Dredging at the Lagoon Intake Structure (CIP 301-629) Project pursuant to Nationwide Permit 3 – Maintenance that was filed with the DMMO in October 2015.	Foster City Public Works Department	During finalization of project construction plan	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Verify that relevant agencies have processed the Consolidated Dredged Material Reuse/Disposal Application for authorization to proceed prior to beginning work.</li> </ul>	
<u>Mitigation Measure BIO-5 (all options): – Construction to Avoid Nesting Season:</u> Construction work should take place between September 1 and January 31 to avoid migratory bird nesting season. If construction is to be conducted during the breeding season, a	Project Construction Contractor and Project (USFWS-approved) Biologist: <ul style="list-style-type: none"> <li>Conduct construction work within specified work windows</li> </ul>	Prior to and during construction	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Verify compliance by an on-site field visit prior to construction, and on-site visits during construction.</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
qualified biologist shall conduct a pre-construction breeding bird survey in areas of suitable habitat within 30 days prior to the onset of construction activity. If bird nests are found, appropriate buffer zones should be established around all active nests to protect nesting adults and their young from construction disturbance. Size of buffer zones should be determined in consultation with wildlife agency staff based on site conditions and species involved.	<ul style="list-style-type: none"> <li>Fully comply with Mitigation Measure BIO-5</li> </ul>			
<p><u>Mitigation Measure BIO-6 (all options): – Best Management Practices:</u> BMPs and all requirements as detailed in the SWPPP shall be implemented to control erosion and migration of sediments off of the project site.</p> <p>If <b>Option 4</b> is selected, during construction of the upland disposal site, vegetation should only be cleared from the permitted construction footprint. Areas cleared of vegetation, pavement, or other substrates should be stabilized as quickly as possible to prevent erosion and runoff. Under <b>Option 4</b>, silt fence in combination with straw wattles should be installed along the south edge of the temporary pipeline and along the eastern edge of the upland disposal site to protect adjacent wetlands from increased sedimentation. Under <b>Option 4</b>, silt fence/straw wattles should be</p>	<p>Project Construction Contractor and Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Implement all measures contained in the SWPPP and specific erosion control measures specified in Mitigation Measure BIO-6</li> <li>Ensure work is completed only within the construction footprint</li> <li>Fully comply with Mitigation Measure BIO-6</li> </ul>	Prior to and during construction	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Verify compliance by an on-site field visit prior to construction, and on-site visits during construction.</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
installed on the north edge of the temporary pipeline and the west edge of the upland disposal site to protect the adjacent recreational trail and facilities associated with Sea Cloud Park.				
<u>Mitigation Measure BIO-7 (all options): – Sampling and Analysis Plan:</u> Implement the Sampling and Analysis Plan to provide the physical, chemical, and biological data necessary to evaluate water quality impacts of dredging and of reuse or placement options including the potential effects on fish and wildlife populations.	Foster City Public Works Department	Prior to any project construction	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Ensure sediment sampling is implemented.</li> </ul>	
<b>V. Cultural Resources</b>				
<p><u>Mitigation Measure CULT-1 (all options): – Archaeological Deposits:</u> In keeping with the CEQA guidelines, if archaeological <del>remains</del> <u>resources</u> are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds (Section 15064.5 [f]).</p> <p><u>If archaeological resources or any cultural resources are uncovered on State lands during the project, the California State Lands Commission (CSLC) shall be notified within 72 hours. The point of contact shall be Assistant Chief Counsel Pam Griggs. Title to all</u></p>	<p>Project Construction Contractor:</p> <ul style="list-style-type: none"> <li>Halt work and notify Foster City Public Works Department if archaeological remains are uncovered.</li> </ul> <p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Hire a qualified archaeologist to evaluate findings, should a discovery occur.</li> <li><u>Notify CSLC if resources are uncovered on State lands</u></li> </ul>	During construction	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Verify compliance by an on-site field visit during construction.</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<u>abandoned shipwrecks, archaeological sites, and historic or cultural resources on or within the tidal and submerged lands of California are under the jurisdiction of the CSLC. Therefore, the final disposition of archaeological or historical resources recovered on State lands under the jurisdiction of the CSLC shall be approved by the CSLC.</u>				
<p><u>Mitigation Measure CULT-2 (all options): - Human Remains:</u> The following actions are promulgated in Public Resources Code 5097.98 and Health and Human Safety Code 7050.5, and pertain to the discovery of human remains. If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the county coroner contacted. If the coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission. The Native American Heritage Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations regarding the treatment of the remains with appropriate dignity.</p> <p><u>Should any human remains be discovered on State lands during the project, the CSLC shall be</u></p>	<p>Project Construction Contractor:</p> <ul style="list-style-type: none"> <li>Halt work and notify Foster City Public Works Department if human remains are uncovered.</li> </ul> <p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Contact the Native American Heritage Commission if human remains are uncovered.</li> <li><u>Notify CSLC if human remains are uncovered on State lands</u></li> </ul>	During construction	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Verify compliance by an on-site field visit during construction.</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p><u>notified within 24 hours. The point of contact shall be Assistant Chief Counsel Pam Griggs.</u></p>				
<p><u>Mitigation Measure CULT-3 (all options): – Paleontological Resources:</u> If paleontological resources are encountered during project construction activities, all soil-disturbing activity within 100 feet of the find shall be temporarily halted until a qualified paleontologist can assess the significance of the find and provide proper management recommendations. The City shall review and incorporate the management recommendations into the project as feasible. <u>Additionally, if paleontological resources are uncovered on State lands during the project, the CSLC shall be notified within 72 hours. The point of contact shall be Assistant Chief Counsel Pam Griggs. The final disposition of paleontological resources recovered on State lands under the jurisdiction of the CSLC shall be approved by the CSLC.</u></p>	<p>Project Construction Contractor:</p> <ul style="list-style-type: none"> <li>Halt work and notify Foster City Public Works Department if paleontological resources are encountered.</li> </ul> <p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Hire a qualified paleontologist to assess the significance of the find, if paleontological resources are encountered.</li> <li>Review and incorporate the management recommendations into the project as feasible, if paleontological resources are encountered.</li> <li><u>Notify CSLC if paleontological resources are uncovered on State lands</u></li> </ul>	<p>During construction</p>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Verify compliance by an on-site field visit during construction.</li> </ul>	
<b>VI. Hydrology and Water Quality</b>				
<p><u>Mitigation Measure HYD-1 (all options): – Agency Permits and Approvals:</u> The Contractor(s) shall obtain applicable resource agency permits and approvals and comply with permit requirements to prevent impacts to</p>	<p>Project Construction Contractor:</p> <ul style="list-style-type: none"> <li>Obtain applicable resource agency permits and approvals and comply with permit</li> </ul>	<p>Prior to:</p> <ul style="list-style-type: none"> <li>Issuance of site-specific demolition, grading, or</li> </ul>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Review monthly reports to verify that construction</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>water quality and demonstrate that water quality standards and/or waste discharge requirements are not violated. Permit requirements and avoidance measures that may be required by the USACE and/or the Regional Water Board may include, but not be limited to the following:</p> <ul style="list-style-type: none"> <li>Installation of physical barriers (e.g., silt curtains) to prevent potential localized impacts to water quality (e.g., increase in turbidity) from spreading to surrounding surface waters.</li> <li>Performing water quality monitoring, including sampling and analysis for total suspended solids as well as measurements of pH, temperature, and conductivity.</li> <li>Comparing the results of water quality monitoring to performance standards established by the Regional Water Board in the CWA Section 401 certification. If water quality monitoring indicates that performance standards are not being achieved, additional avoidance measures (e.g., installation of additional silt curtains) shall be implemented until water quality monitoring indicates that performance standards are being achieved, which would mitigate potential impacts to water quality to a less-than-significant level.</li> </ul>	<p>requirements</p> <ul style="list-style-type: none"> <li>Fully comply with Mitigation Measure HYD-1</li> </ul>	<p>building permits.</p> <p>Monthly:</p> <ul style="list-style-type: none"> <li>Throughout construction period.</li> </ul>	<p>activities are in compliance with permit requirements.</p>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p><u>Mitigation Measure HYD-2 (all options): – Sediment Sampling for Disposal:</u> Sampling and analysis of the sediments to be dredged from Angelo Slough shall be performed prior to dredging activities to evaluate contaminant concentrations in sediments and potential disposal options for the dredge materials. The sampling and analysis shall be performed in accordance with the Sampling and Analysis Plan prepared for the proposed project to fulfill the requirements of the USACE Inland Testing Manual, Section 404 of the CWA, and the DMMO.<sup>1</sup> The results of the sampling and analysis activities and the proposed disposal option shall be presented to DMMO for review. DMMO approval of the proposed disposal option shall be obtained prior to performing disposal activities.</p>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Complete sediment sampling in accordance with Mitigation Measure HYD-2.</li> </ul>	<p>Prior to:</p> <ul style="list-style-type: none"> <li>Finalization of project construction and disposal option selection.</li> </ul>	<p>Foster City Public Works Department :</p> <ul style="list-style-type: none"> <li>Ensure sediment sampling is completed prior to project finalization and dredging activities.</li> </ul>	
<p><u>Mitigation Measure HYD-3-DO 1 &amp; 4: – Implement Mitigation Measure HAZ-5:</u> Mitigation Measure HAZ-5 (which addresses potential on-shore chemical releases) shall be implemented.</p>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Conduct sediment sampling analysis in accordance with Mitigation Measure HAZ-5.</li> </ul>	<p>Prior to construction</p>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Ensure compliance with appropriate regulatory agency criteria, requirements and thresholds relating to</li> </ul>	

<sup>1</sup> Kinnetic Laboratories Inc. and Huffman-Broadway Group Inc., 2015.

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
			human health.	
<p><u>Mitigation Measure HYD-4-DO 1 &amp; 4: – Construction General Permit and SWPPP:</u> If <b>Option 4</b> is implemented (or <b>Option 1</b> is implemented and would result in disturbance of more than 1 acre of soil) the proposed project shall comply with the CGP and implement a SWPPP to reduce the risk of on-shore spill/releases and disturbed soils from being transported in stormwater runoff and impacting nearby surface waters during construction activities, and post-construction erosion controls, which could include but would not be limited to hydroseeding, planting of vegetation, installation of jute/burlap netting, and installation of swales, shall be implemented in graded areas to mitigate potential erosion of exposed soil.</p> <p>If <b>Option 1</b> or <b>Option 4</b> of the proposed project is implemented, regular monitoring of the temporary fixed piping system shall be performed to ensure there are no leaks in the pipeline, and any leaks that are identified shall be promptly repaired.</p> <p>If <b>Option 1</b> or <b>Option 4</b> of the proposed project is implemented, applicable resource agency permits shall be obtained and the proposed project shall comply with permit requirements to prevent impacts to water quality, including</p>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Hire a Qualified SWPPP Developer to prepare a SWPPP, instruct construction personnel, and submit monitoring reports. The SWPPP shall include specific and detailed BMPs and measures designed to mitigate construction-related pollutants, and adheres to the requirements of Mitigation Measure HYD-4-DO 1 &amp; 4;</li> <li>Retain an independent monitor to conduct weekly inspections and provide written monthly reports to the Public Works Department to ensure compliance with the SWPPP.</li> </ul> <p>Project Construction Contractor/Site Supervisor:</p> <ul style="list-style-type: none"> <li>Conduct regular meetings of site personnel to ensure SWPPP guidelines are observed by on-site personnel.</li> </ul>	<p>Prior to:</p> <ul style="list-style-type: none"> <li>Issuance of site-specific demolition, grading, or building permits.</li> </ul> <p>Monthly:</p> <ul style="list-style-type: none"> <li>Throughout construction period.</li> </ul>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Review the SWPPP for consistency with the requirements of Mitigation Measure HYD-4-DO 1 &amp; 4 prior to approval;</li> <li>Conduct periodic inspections of the project site during wet and dry days to ensure compliance with the SWPPP;</li> <li>Conduct periodic inspections of the project site to ensure that the temporary fixed piping system is leak-free.</li> </ul> <p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Review monthly reports to verify that construction activities are in compliance with the SWPPP.</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>potential impacts related to decanting water into Sea Cloud Phase II basin or Foster City Lagoon, and demonstrate that water quality standards and/or waste discharge requirements are not violated. Permit requirements and avoidance measures that could be required by the USACE and/or the Regional Water Board could include, but not be limited to:</p> <ul style="list-style-type: none"> <li>▪ Installation of physical barriers (e.g., silt curtains) to aid the settlement of sediments in dredge material prior to decanting of excess water.</li> <li>▪ Filtering and testing water prior to decanting into the Sea Cloud Phase II sedimentation basin or Foster City Lagoon to ensure that water meets water quality standards.</li> <li>▪ Performing water quality monitoring including, but not limited to (as determined by the Regional Water Board), sampling and analysis for total suspended solids as well as measurements of pH, temperature, and conductivity.</li> </ul> <p>The results of water quality monitoring shall be compared to performance standards established by the Regional Water Board in the CWA Section 401 certification. If water quality monitoring indicates that performance standards are not being achieved, additional</p>				

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
avoidance measures (e.g., installation of additional silt curtains or filtration systems) shall be implemented. Implementation of <b>Mitigation Measures HYD-1, HYD-2, HYD-3-DO 1 &amp; 4, and HYD-4-DO 1 &amp; 4</b> would mitigate potential water quality impacts to a less-than-significant level.				
<u>Mitigation Measure HYD-5 (all options): – Implement Mitigation Measure HYD-1:</u> Mitigation Measures HYD-1 shall be implemented.	Project Construction Contractor: <ul style="list-style-type: none"> <li>Obtain applicable resource agency permits and approvals and comply with permit requirements</li> <li>Fully comply with Mitigation Measure HYD-1</li> </ul>	Prior to: <ul style="list-style-type: none"> <li>Issuance of site-specific demolition, grading, or building permits.</li> </ul> Monthly: <ul style="list-style-type: none"> <li>Throughout construction period.</li> </ul>	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Review monthly reports to verify that construction activities are in compliance with permit requirements.</li> </ul>	
<u>Mitigation Measure HYD-6-DO 1 &amp; 4: – Implement Mitigation Measure HYD-4-DO 1 &amp; 4:</u> Mitigation Measures HYD-4-DO 1 & 4 shall be implemented.	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Conduct sediment sampling analysis in accordance with Mitigation Measure HYD-4-DO 1 &amp; 4.</li> </ul>	Prior to construction	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Ensure compliance with appropriate regulatory agency criteria, requirements and thresholds relating to human health.</li> </ul>	
<u>Mitigation Measure HYD-7 DO 1 &amp; 4: – Implement Mitigation Measure HYD-4-DO 1 &amp; 4</u>	Foster City Public Works Department:	Prior to construction	Foster City Public Works Department:	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p><u>and HYD-1</u>: Mitigation Measures HYD-4-DO 1 &amp; 4 and HYD-1 shall be implemented. Additionally, the temporary fixed piping system for moving dredge material shall be placed over the perimeter levee and its construction shall not involve excavation into the perimeter levee.</p>	<ul style="list-style-type: none"> <li>Conduct sediment sampling analysis in accordance with Mitigation Measure HYD-4-DO 1 &amp; 4.</li> </ul> <p>Project Construction Contractor:</p> <ul style="list-style-type: none"> <li>Obtain applicable resource agency permits and approvals and comply with permit requirements</li> <li>Fully comply with Mitigation Measure HYD-1</li> </ul>	<p>Prior to:</p> <ul style="list-style-type: none"> <li>Issuance of site-specific demolition, grading, or building permits.</li> </ul> <p>Monthly:</p> <ul style="list-style-type: none"> <li>Throughout construction period.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure compliance with appropriate regulatory agency criteria, requirements and thresholds relating to human health.</li> </ul> <p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Review monthly reports to verify that construction activities are in compliance with permit requirements.</li> </ul>	
<b>VII. Hazards</b>				
<p><u>Mitigation Measure HAZ-1 (all options): - Health and Safety Plan</u>: The routine transport, use, and disposal of hazardous materials at the project site would be performed in accordance with a project Health and Safety Plan prepared in accordance with Title 8 of the CCR.</p>	<p>Foster City Public Work Department:</p> <ul style="list-style-type: none"> <li>Prepare a project Health and Safety Plan</li> </ul> <p>Project Construction Contractor:</p> <ul style="list-style-type: none"> <li>Implement the project Health and Safety Plan</li> </ul>	<p>Prior to issuance of any grading or building permits.</p> <p>On-going:</p> <ul style="list-style-type: none"> <li>Throughout construction</li> </ul>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Monitor construction activity to ensure compliance with the project Health and Safety Plan.</li> </ul>	
<p><u>Mitigation Measure HAZ-2 (all options): - Implement Mitigation Measure HYD-1</u>: Mitigation Measure HYD-1 (which ensures that all necessary permits to protect water quality would be aquired) shall be implemented.</p>	<p>Project Construction Contractor:</p> <ul style="list-style-type: none"> <li>Obtain applicable resource agency permits and approvals and comply with permit requirements</li> <li>Fully comply with Mitigation</li> </ul>	<p>Prior to:</p> <ul style="list-style-type: none"> <li>Issuance of site-specific demolition, grading, or building</li> </ul>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Review monthly reports to verify that construction activities are in compliance with permit requirements.</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
	Measure HYD-1	permits  Monthly: ▪ Throughout construction period.		
<u>Mitigation Measure HAZ-3 (all options): – Implement Mitigation Measure HYD-2:</u> Mitigation Measure HYD-2 (which addresses sampling and analysis of sediments prior to dredging and disposing of dredge materials in an appropriate location based the comparison of sampling results to ecological risk based regulatory guidelines) shall be conducted.	Foster City Public Works Department: ▪ Complete sediment sampling in accordance with Mitigation Measure HYD-2.	Prior to: ▪ Finalization of project construction and disposal option selection.	Foster City Public Works Department: ▪ Ensure sediment sampling is completed prior to project finalization and dredging activities.	
<u>Mitigation Measure HAZ-4-DO 1 &amp; 4: – Sediment Sampling:</u> If either <b>Option 1</b> or <b>Option 4</b> is implemented, the analytical results of sediment sampling shall be compared to appropriate regulatory agency screening levels for protection of human health (e.g., the Regional Water Board’s Environmental Screening Levels for residential land use) and naturally occurring/background levels of contaminants in the vicinity of the project site. Dredge material shall not be disposed of under <b>Option 1</b> or <b>Option 4</b> if contaminant concentrations in the dredge material exceed appropriate regulatory agency screening levels for protection of human health and naturally occurring/background	Foster City Public Works Department: ▪ Conduct sediment sampling analysis in accordance with Mitigation Measure HAZ-4-DO 1 & 4.	Prior to construction	Foster City Public Works Department: ▪ Ensure compliance with appropriate regulatory agency criteria, requirements and thresholds relating to human health.	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
levels of contaminants, unless a site-specific human health risk assessment determines that disposal of dredge material under <b>Option 1</b> or <b>Option 4</b> would not pose a significant risk to human health.				
<p><u>Mitigation Measure HAZ-5 (all options): – Foster City Construction Practices:</u> The following requirements shall be included in the project specifications, and shall be implemented during proposed construction and dredging activities:</p> <ul style="list-style-type: none"> <li>The contractor(s) shall designate storage areas suitable for material delivery, storage, and waste collection. These locations must be as far away from catch basins, gutters, drainage courses, and water bodies as possible. All hazardous materials and wastes used or generated during project site development activities shall be labeled and stored in accordance with applicable local, state, and federal regulations. In addition, an accurate up-to-date inventory, including Material Safety Data Sheets, shall be maintained on-site to assist emergency response personnel in the event of a hazardous materials incident.</li> <li>All maintenance and fueling of vehicles and equipment shall be performed in a designated, bermed area, or over a drip pan that would not allow run-off of spills.</li> </ul>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Include the information detailed in Mitigation Measure HAZ-5 in the contract and performance standards for each contractor and monitor all work to ensure the contractors are complying.</li> <li>Prepare and submit an Emergency Preparedness and Response Procedures Plan.</li> <li>Have such plan prepared and shall be prepared and excavation and earthworking activities associated with the proposed project shall not proceed until the Site Remediation Plan has been reviewed and approved by the regulatory oversight agency and is on file with the City, If the presence of hazardous materials is found on site and</li> </ul>	<p>Prior to:</p> <ul style="list-style-type: none"> <li>Execution of contractor contracts.</li> </ul> <p>Ongoing throughout:</p> <ul style="list-style-type: none"> <li>Operational period.</li> </ul> <p>Prior to:</p> <ul style="list-style-type: none"> <li>Issuance of any site-specific demolition, building or grading permit.</li> <li>Upon discovery of hazardous materials on site.</li> </ul>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Monitor construction activity to ensure compliance with Mitigation Measure HAZ-5.</li> </ul> <p>Foster City Fire Department:</p> <ul style="list-style-type: none"> <li>Review emergency procedures plan and verify that emergency hazardous materials release response measures are appropriate and implementable.</li> </ul> <p>Foster City Fire Department and appropriate regulatory oversight agency(ies):</p> <ul style="list-style-type: none"> <li>Ensure Remediation Plan is submitted and approved prior to allowing affected work on site is allowed to resume.</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>Vehicles and equipment shall be regularly checked and have leaks repaired promptly at an off-site location. Secondary containment shall be used to catch leaks or spills any time that vehicle or equipment fluids are dispensed, changed, or poured.</p> <ul style="list-style-type: none"> <li>Emergency Preparedness and Response Procedures shall be developed by the contractor(s) for emergency notification in the event of an accidental spill or other hazardous materials emergency during project site preparation and development activities. These Procedures shall include evacuation procedures, spill containment procedures, required personal protective equipment, as appropriate, in responding to the emergency. The contractor(s) shall submit these procedures to the City prior to construction activities.</li> <li>If the presence of hazardous materials is found on site, site remediation could be required by the applicable state or local regulatory agencies. Specific remedies would depend on the extent and magnitude of contamination and requirements of the regulatory agency(ies). Under the direction of the regulatory agency(ies) and the City, a Site Remediation Plan shall be prepared, as required, by the applicant. The plan shall:</li> </ul>	<p>per Foster City construction practices it is determined that a Site Remediation Plan is necessary.</p>			

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>1) specify measures to be taken to protect workers and the public from exposure to the potential hazards; and 2) certify that the proposed remediation would protect the public health in accordance with local, state, and federal requirements, considering the land use proposed. Excavation and earthworking activities associated with the proposed project shall not proceed until the Site Remediation Plan has been reviewed and approved by the regulatory oversight agency and is on file with the City.</p>				
<b>VIII. Geology and Soils</b>				
<p><u>Mitigation Measure GEO-1 (all options): – Implement Mitigation Measure HYD-1:</u> Mitigation Measure HYD-1 shall be implemented.)</p>	<p>Project Construction Contractor:</p> <ul style="list-style-type: none"> <li>Obtain applicable resource agency permits and approvals and comply with permit requirements</li> <li>Fully comply with Mitigation Measure HYD-1</li> </ul>	<p>Prior to:</p> <ul style="list-style-type: none"> <li>Issuance of site-specific demolition, grading, or building permits.</li> </ul> <p>Monthly:</p> <ul style="list-style-type: none"> <li>Throughout construction period.</li> </ul>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Review monthly reports to verify that construction activities are in compliance with permit requirements.</li> </ul>	
<p><u>Mitigation Measure GEO-2-DO 1 &amp; 4: – Implement HYD-4-DO 1 &amp; 4:</u> Mitigation Measure HYD-4-DO 1 &amp; 4, which specifies that</p>	<p>Foster City Public Works Department:</p>	<p>Prior to:</p> <ul style="list-style-type: none"> <li>Issuance of</li> </ul>	<p>Foster City Public Works Department:</p>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
the project prepare and implement a SWPPP (and includes typically required BMPs), shall be implemented.	<ul style="list-style-type: none"> <li>Hire a Qualified SWPPP Developer to prepare a SWPPP, instruct construction personnel, and submit monitoring reports. The SWPPP shall include specific and detailed BMPs and measures designed to mitigate construction-related pollutants, and adheres to the requirements of Mitigation Measure HYD-4-DO 1 &amp; 4;</li> <li>Retain an independent monitor to conduct weekly inspections and provide written monthly reports to the Public Works Department to ensure compliance with the SWPPP.</li> </ul> <p>Project Construction Contractor/Site Supervisor:</p> <ul style="list-style-type: none"> <li>Conduct regular meetings of site personnel to ensure SWPPP guidelines are observed by on-site personnel.</li> </ul>	<p>site-specific demolition, grading, or building permits.</p> <p>Monthly:</p> <ul style="list-style-type: none"> <li>Throughout construction period.</li> </ul>	<ul style="list-style-type: none"> <li>Review the SWPPP for consistency with the requirements of Mitigation Measure HYD-4-DO 1 &amp; 4 prior to approval;</li> <li>Conduct periodic inspections of the project site during wet and dry days to ensure compliance with the SWPPP;</li> <li>Conduct periodic inspections of the project site to ensure that the temporary fixed piping system is leak-free.</li> </ul> <p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Review monthly reports to verify that construction activities are in compliance with the SWPPP.</li> </ul>	
<u>Mitigation Measure GEO-3-DO 1 &amp; 4: - Implement Mitigation Measure GEO-2-DO 1 &amp; 4: Mitigation Measure GEO-2-DO 1 &amp; 4 shall be implemented.</u>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Hire a Qualified SWPPP Developer to prepare a SWPPP,</li> </ul>	<p>Prior to:</p> <ul style="list-style-type: none"> <li>Issuance of site-specific demolition,</li> </ul>	<p>Foster City Public Works Department</p> <ul style="list-style-type: none"> <li>Review the SWPPP for consistency with the</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
	<p>instruct construction personnel, and submit monitoring reports. The SWPPP shall include specific and detailed BMPs and measures designed to mitigate construction-related pollutants, and adheres to the requirements of Mitigation Measure GEO-2-DO 1 &amp; 4;</p> <ul style="list-style-type: none"> <li>Retain an independent monitor to conduct weekly inspections and provide written monthly reports to the Public Works Department to ensure compliance with the SWPPP.</li> </ul> <p>Project Construction Contractor/Site Supervisor:</p> <ul style="list-style-type: none"> <li>Conduct regular meetings of site personnel to ensure SWPPP guidelines are observed by on-site personnel.</li> </ul>	<p>grading, or building permits.</p> <p>Monthly:</p> <ul style="list-style-type: none"> <li>Throughout construction period.</li> </ul>	<p>requirements of Mitigation Measure HYD-4-DO 1 &amp; 4 prior to approval;</p> <ul style="list-style-type: none"> <li>Conduct periodic inspections of the project site during wet and dry days to ensure compliance with the SWPPP;</li> <li>Conduct periodic inspections of the project site to ensure that the temporary fixed piping system is leak-free.</li> </ul> <p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Review monthly reports to verify that construction activities are in compliance with the SWPPP.</li> </ul>	
<p><u>Mitigation Measure GEO-4-DO 1 &amp; 4:</u> - <u>Implement Mitigation Measure GEO-2-DO 1 &amp; 4:</u> Mitigation Measures GEO-2-DO 1 &amp; 4 shall be implemented.</p>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Hire a Qualified SWPPP Developer to prepare a SWPPP, instruct construction personnel, and submit monitoring reports. The SWPPP</li> </ul>	<p>Prior to:</p> <ul style="list-style-type: none"> <li>Issuance of site-specific demolition, grading, or building permits.</li> </ul>	<p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Review the SWPPP for consistency with the requirements of Mitigation Measure HYD-4-DO 1 &amp; 4 prior to approval;</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
	<p>shall include specific and detailed BMPs and measures designed to mitigate construction-related pollutants, and adheres to the requirements of Mitigation Measure GEO-2-DO 1 &amp; 4;</p> <ul style="list-style-type: none"> <li>Retain an independent monitor to conduct weekly inspections and provide written monthly reports to the Public Works Department to ensure compliance with the SWPPP.</li> </ul> <p>Project Construction Contractor/Site Supervisor:</p> <ul style="list-style-type: none"> <li>Conduct regular meetings of site personnel to ensure SWPPP guidelines are observed by on-site personnel.</li> </ul>	<p>Monthly:</p> <ul style="list-style-type: none"> <li>Throughout construction period.</li> </ul>	<ul style="list-style-type: none"> <li>Conduct periodic inspections of the project site during wet and dry days to ensure compliance with the SWPPP;</li> <li>Conduct periodic inspections of the project site to ensure that the temporary fixed piping system is leak-free.</li> </ul> <p>Foster City Public Works Department:</p> <ul style="list-style-type: none"> <li>Review monthly reports to verify that construction activities are in compliance with the SWPPP.</li> </ul>	
<b>IX. Greenhouse Gas Emissions</b>				
<i>No Greenhouse Gas Emissions mitigation measures are necessary.</i>				
<b>X. Land Use and Planning</b>				
<i>No Land Use and Planning mitigation measures are necessary.</i>				
<b>XI. Mineral Resources</b>				
<i>No Mineral Resources mitigation measures are necessary.</i>				

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<b>XII. Noise</b>				
<u>Mitigation Measure NS-1-DO 1 &amp; 4: – Distance to Residential:</u> To the extent feasible, the contractor will maintain a separation distance of at least 44 feet between heavy construction equipment (e.g., large trucks, large bulldozers) and the existing occupied residential units.	Project Construction Contractor: <ul style="list-style-type: none"> <li>Fully comply with Mitigation Measure NS-1-DO 1 &amp; 4</li> </ul>	During construction	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Monitor construction activity to ensure compliance with Mitigation Measure NS-1-DO 1 &amp; 4.</li> </ul>	
<u>Mitigation Measure NS-2-DO 1 &amp; 4: – Noise and Vibration Disturbance Coordinator:</u> The construction contractor shall designate a Noise and Vibration Disturbance Coordinator who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of noise and vibration complaints (e.g., beginning work too early, bad muffler) and institute reasonable measures warranted to correct problems. The Noise and Vibration Disturbance Coordinator shall record all noise and vibration complaints received and actions taken in response, and submit this record to the City. A telephone number and email address for the disturbance coordinator shall be conspicuously posted at the construction site.	Project Construction Contractor: <ul style="list-style-type: none"> <li>Fully comply with Mitigation Measure NS-2-DO 1 &amp; 4</li> </ul> Foster City Public Works Department: <ul style="list-style-type: none"> <li>Review record of noise complaints</li> </ul>	Prior to and During construction	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Monitor construction activity to ensure compliance with Mitigation Measure NS-2-DO 1 &amp; 4.</li> </ul>	
<u>Mitigation Measure NS-3 (all options): – Foster City Construction Practices:</u> The project shall comply with the following augmented Foster	Project Construction Contractor: <ul style="list-style-type: none"> <li>Comply with daytime work hours.</li> </ul>	During construction	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Monitor construction</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>City Construction Practices:</p> <ul style="list-style-type: none"> <li>Construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m. on weekdays unless deviations from this schedule are approved in advance by the City. Non-construction activities could take place between the hours of 7:00 a.m. and 8:00 a.m. on weekdays and 9:00 a.m. and 4:00 p.m. on Saturdays but must be limited to quiet activities and shall not include the use of engine-driven machinery.</li> <li>Signs shall be conspicuously posted at the construction site that include permitted construction days and hours, and the name and telephone number of the Noise and Vibration Disturbance Coordinator. The Noise and Vibration Disturbance Coordinator shall be trained to use a sound level meter and shall be available during all construction hours to respond to complaints.</li> <li>All internal combustion engine-driven equipment shall be fitted with intake and exhaust mufflers that are in good condition. Good mufflers shall result in non-impact equipment generating a maximum noise level of 80 dBA when measured at a distance of 50 feet.</li> <li>Construction equipment idling times shall</li> </ul>	<ul style="list-style-type: none"> <li>Post signage as described in Mitigation Measure NS-3.</li> <li>Fully comply with Mitigation Measure NS-3.</li> </ul>		<p>activity to ensure compliance with Mitigation Measure NS-3.</p>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
<p>be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes.</p> <ul style="list-style-type: none"> <li>All engine-driven construction vehicles, equipment, and pneumatic tools shall be properly adjusted and maintained.</li> <li>The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</li> <li>The construction contractor shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</li> </ul>				
<b>XIII. Population and Housing</b>				
<i>No Population and Housing mitigation measures are necessary.</i>				
<b>XIV. Public Services</b>				
<i>No Public Services mitigation measures are necessary.</i>				
<b>XV. Recreation</b>				
<u>Mitigation Measure REC-1-DO 1 &amp; 4: – Maintain Use of Levee Pedway:</u> A temporary trench would be used to place the temporary fixed piping system below grade, allowing continued use of the Levee Pedway during construction and	Foster City Public Works Department and Project Construction Contractor: <ul style="list-style-type: none"> <li>Maintain access to the Levee Pedway during construction</li> </ul>	Prior to any project construction	Foster City Public Works Department: <ul style="list-style-type: none"> <li>Ensure that construction operation plan includes provisions for temporary</li> </ul>	

Mitigation Measures	Implementation Responsibility/Action	Timing	Monitoring Responsibility/ Action	Date Completed/ Signature
avoiding an impact on recreational facilities.			trail access; <ul style="list-style-type: none"> <li>Verify compliance by on-site field visits during construction.</li> </ul>	
<b>XVI. Transportation/Traffic</b>				
<i>No Transportation/Traffic mitigation measures are necessary.</i>				
<b>XVII. Utilities and Service Systems</b>				
<i>No Utilities and Service Systems mitigation measures are necessary.</i>				

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE CALL FOR BIDS FOR DREDGING AT THE LAGOON INTAKE STRUCTURE PROJECT (CIP 301-629)

CITY OF FOSTER CITY

WHEREAS, Resolution No. 2013-85 adopted on November 18, 2013, approved the contract with Huffman-Broadway Group, Inc. to prepare regulatory permitting and construction documents suitable for bidding and provide construction support services during construction of CIP 301-629; and

WHEREAS, the Mitigated Negative Declaration of Environmental Impact that analyzes the environmental impacts associated with the project and a Mitigation Monitoring and Reporting Program to eliminate any potential significant impacts have been approved; and

WHEREAS, construction documents are also complete and the project is now ready for bidding; and

WHEREAS, funding in the amount of \$1.6 million is available for construction and support services in the approved project budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Foster City does hereby approve the plans and specifications for the Dredging at the Lagoon Intake Structure Project (CIP 301-629) and authorizes the call for bids.

PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 17<sup>th</sup> day of October, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
HERB PEREZ, MAYOR

ATTEST:

\_\_\_\_\_  
DORIS L. PALMER, CITY CLERK





DATE: October 17, 2016

TO: Mayor and Members of the City Council

VIA: Kevin M. Miller, City Manager

FROM: Dante Hall, Assistant City Manager

SUBJECT: DISCUSSION REGARDING USE OF COMMUNITY BENEFITS FUNDS  
FROM NEGOTIATED DEVELOPMENT AGREEMENT

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### RECOMMENDATION

It is recommended that the City Council by minute order provide direction to City staff on proposed programs and projects for the \$1.85 million Community Benefits Fund payment received as part of the BMR-Lincoln Centre LLP (Biomed Realty) Development Agreement.

### EXECUTIVE SUMMARY

On February 8, 2016, City staff presented the Mid-Year Financial Report to the City Council, indicating that staff was projecting the City's General Fund will finish the current fiscal year with an additional \$2.7 million in revenues above the original \$38.317 million estimated in the adopted budget. One of the primary contributors to the increase is a \$1.85 million community benefits payment due from BMR-Lincoln Centre LLP as part of the Development Agreement approved by the City Council on October 19, 2015 which was for Biomed to develop the Lincoln Centre Life Sciences Campus to be occupied by Illumina (Attachment 2). Since there are no legal or contractual restrictions on the use of this money, government accounting standards require that it be recorded in the General Fund and not to a restricted Special Revenue Fund. Notwithstanding, the City Council directed staff to bring back a report on alternatives for using the \$1.85 million for the benefit of the Foster City community.

## BACKGROUND AND ANALYSIS

On October 19, 2015, the City Council approved a Development Agreement (DA) between the City of Foster City and BMR-Lincoln Centre LP (Biomed Realty) to develop the Lincoln Centre Life Sciences Campus.

Under the terms of the DA (Section 4.2), BMR is obligated to make a Community Benefits Program payment of \$1.85 million. In the same October 19, 2016 staff report on the approval of the DA, staff identified options for use of the \$1.85 million, including special projects and other City Council directed initiatives.

### *Potential Uses for Community Benefit Funds*

Attached for City Council review is a project/program summary list developed by City staff that identifies potential one-time expenditures in the areas of workforce housing, traffic improvements, economic development, and sustainability/quality of life initiatives (Attachment 1). The listed expenditures are consistent with City Council's stated interests and based on the established City Council Priority Focus Area goals. The "Estimated Costs" section provides an in-house estimate that could be fully or partially funded by the Community Benefit Funds. City Council may decide to add, delete, or amend the list as appropriate.

Staff seeks City Council direction on pursuing any of the ideas identified in the attached list or new ideas for using the \$1.85 million for community benefits programs.

## FISCAL IMPACT

The Finance Department has set aside the \$1.85 million from the BMR-Lincoln Centre LLP Development Agreement in the General Fund Balance to be designated for community benefit programs as determined by the City Council.

### Attachments:

- Attachment 1 - Proposed Community Benefit Fund Programs
- Attachment 2 - Staff Report on Lincoln Centre Life Sciences Research Campus Project, dated October 19, 2015

# Summary of Potential Community Benefit Fund Activities Programs

ATTACHMENT 1

8.1 - 3

PRIORITY FOCUS AREA	PROGRAM/INITIATIVE	DESCRIPTION	ESTIMATED COSTS
<b>LAND USE (WORKFORCE HOUSING)</b>	Workforce Rental Housing Assistance Program	First and last month's rental assistance for Foster City Employees	\$150,000
	Workforce Housing Down Payment Revolving Loan Assistance	Up to 10% down payment housing purchase assistance for families with an annual income of up to 120% of Area Median Income who work in Foster City and desire to live in Foster City	\$1,000,000
<b>TRAFFIC CONGESTION AND TRANSPORTATION ALTERNATIVES</b>	Car Sharing and Bike Sharing Program	initiate the development of a sustainable car share and bike share system in Foster City.	\$60,000
	Bicycle Lockers and Racks	Provide convenient and secure bicycle storage to encourage bicycle commuting to, from, and around the City (10 lockers at \$2,000 each; Five 5-Bike racks at \$200 each)	\$21,000
<b>SUSTAINABILITY (ECONOMIC DEVELOPMENT)</b>	Façade Improvement Matching Grant Program	Provide matching grants to property owners for improvements to commercial properties that can be seen from the public right of way.	\$200,000
	Tenant Improvement Grant Program	Provide grants to eligible businesses for improvements to the interior spaces of commercial spaces that have been vacant for an extended period of time	\$150,000
<b>SUSTAINABILITY (QUALITY OF LIFE)</b>	100% Renewable Energy for City Facilities	Reduce greenhouse gas emissions for a two year period through the purchase of 100% Renewable Energy from Peninsula Clean Energy for all City facilities.	\$40,000
	Electric Vehicle Charging Stations	Install electric vehicle charging stations at City Hall lot (for city staff use) and in the Library/Community Center lot (for public use), and Edgewater Shopping Center.	\$75,000
	Community Diversity Workshop	Conduct two City events to promote awareness, tolerance and understanding among Foster City community members	\$5,000
<b>TOTAL ALL:</b>			<b>\$1,701,000</b>



DATE: October 19, 2015

TO: Mayor and Members of the City Council

VIA: Kevin Miller, City Manager

FROM: Curtis Banks, Community Development Director

SUBJECT: Lincoln Centre Life Sciences Research Campus Project: Development Agreement (DA-15-001) and Economic Development Incentive Agreement (ED-15-001)

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### **RECOMMENDATION**

It is recommended that the City Council take the following actions:

- **Development Agreement (File No. DA-15-001)**
  - Introduce and pass to second reading an Ordinance approving a Development Agreement between the City of Foster City and BMR-Lincoln Centre LP (BMR) to develop the Lincoln Centre Life Sciences Campus.
- **Economic Development Incentive Agreement (File No. ED-15-001)**
  - Adopt the attached Resolution approving an Economic Development Incentive Agreement between the City of Foster City and Illumina Inc. to provide Illumina with incentives to establish and maintain business activities within the City of Foster City.

### **EXECUTIVE SUMMARY**

On January 20, 2015, the City Council considered Business Terms proposed by Illumina for an Economic Development Incentive Agreement (EDIA) under which Illumina would move a portion of its operations to Foster City and a Development Agreement (DA) under which BioMed Realty, Inc. (BMR), the property owner, would develop the space to be occupied by Illumina in Foster City. Based on the Business Terms approved by the City Council on January 20, 2015, City staff has been endeavoring to negotiate and reach agreement on final forms of a draft EDIA and DA with representatives of Illumina and BMR.

Earlier this summer, BMR and Illumina requested that the Business Terms be amended. The City Council considered this request on September 8, 2015, and expressed interest in considering a DA and EDIA which would include amended Business Terms. The City Council provided direction to staff to continue negotiations with Illumina and BMR on the terms of the DA and EDIA. Staff has continued in discussions with representatives of

Illumina and BMR over the last two months. As a result of these discussions, Illumina and BMR have now requested that the City Council consider and approve a DA and EDIA which incorporates the expanded Business Terms proposed earlier this summer.

## **BACKGROUND**

According to its Corporate Fact Sheet, "Illumina is a leading developer, manufacturer, and marketer of life science tools and integrated systems for large-scale analysis of genetic variation and function. These systems are enabling studies that were not even imaginable just a few years ago, and moving us closer to the realization of personalized medicine." While Illumina's headquarters is located in San Diego, California, Illumina has a global presence with offices in other locations in the United States and several other countries around the world. In the San Francisco Bay Area, Illumina has offices in San Francisco, Hayward, Redwood City and Santa Clara. On January 5, 2015, a public announcement was made that Illumina had entered into a long-term lease with BMR for a new state-of-the-art, build-to-suit campus in Foster City at 200-800 Lincoln Centre Drive in Foster City (Lincoln Centre Campus Site) (the Project).

The proposed Project includes redevelopment of the approximately 20-acre portion of the 25.9-acre Lincoln Centre Campus site with up to 555,000 gross sq. ft. of biomedical research and office uses in three buildings of up to seven stories, and a 40,000 sq. ft., two-story building to house amenities for employees and visitors. Of the total proposed 555,000 sq. ft. of office/lab uses, a maximum of 388,500 sq. ft. (70 percent) would be for office use and the remaining 166,500 sq. ft. (30 percent) for laboratory use. The maximum proposed Floor Area Ratio (FAR) is 0.68. The Project also includes abandonment of the south portion of Lincoln Center Drive and reversion of the abandonment area to private ownership.

In considering a move to and expansion within Foster City, Illumina indicated its desire for both an EDIA and a DA. To that end, Illumina submitted a Letter of Intent for City Council consideration and approval in January 2015. The proposed terms for the EDIA were patterned after an agreement approved in August 2014 between the City of San Diego and Illumina for the expansion of its manufacturing facilities in San Diego. Staff noted for the City Council in January 2015 that it is not uncommon for cities to offer incentives like those outlined in the Letter of Intent to assist new businesses desiring to relocate to their communities, thereby generating significant new sales and use tax revenues for the cities. The January staff report noted that the City of Foster City through its then redevelopment agency had entered into an agreement of this nature in July 1993 with Costco whereby Costco was provided with financial assistance over a 20-year period as an incentive to locate in Foster City. The potential total value of the financial assistance to Costco was between \$3 million and \$4 million over this 20-year period with annual payments being based on the amount of sales taxes generated in a given year meeting defined targeted amounts.

Illumina proposed a similar arrangement to the City to be outlined in an EDIA. Pursuant to the proposal, Illumina requested that it be reimbursed over time for impact and processing fees it or BMR paid to the City for processing and approval of entitlements

and permits needed to construct Phase 1 of its Project (Incentive Payments). The January staff report noted that a preliminary estimate of these Phase 1 fees was between \$3 million and \$3.5 million which in the Letter of Intent was referred to as the "Incentive Payment Cap" (Section 2 of the Letter of Intent).

In addition to the EDIA, Illumina also proposed that a statutory Development Agreement (DA) be executed to provide Illumina with vested rights to proceed with development of Phase I of the Project only, to protect Illumina from any new or increased impact fees adopted by the City subsequent to entering into the DA. Any impact fees paid to the City in connection with Phase I of the Project would be added to the Incentive Payment Cap amount and reimbursed to Illumina under the EDIA. Staff noted in January that the City currently does not have any developer impact fees but is studying the possibility of an affordable housing impact fee.

Given the overall economic benefit to the City of Foster City derived from Illumina locating in Foster City, staff recommended, and the City Council approved in January 2015, the Letter of Intent submitted by Illumina. Representatives of Illumina and the City, along with their legal counsels, then began to prepare both the EDIA and DA. The Letter of Intent anticipated that these negotiations would be completed and draft agreements returned to the Council for review and approval by June 30, 2015. While many of the standard terms required for the EDIA and DA had been successfully negotiated within that time frame, Illumina and BMR requested this summer that the City Council authorize amendments to the approved Business Terms. The requested amendments represented significant departures from the terms authorized by the City Council in January 2015, including expanding the scope of the EDIA Incentive Payments to include impact fees and processing fees payable in connection with a future Phase II of the Project, and locking in existing impact fees for the next 7 years, and thereby exempting the Project from new impact fees that may adopted by City in the future.

The City Council first considered these proposed changes to the Business Terms at the September 8, 2015 City Council meeting. At the conclusion of that meeting, the City Council requested that BMR return with more creative solutions to address Project impacts identified in the EIR related to traffic, school overcrowding and housing. The City Council reiterated these comments at the September 28, 2015 meeting when considering and acting on the EIR, General Plan Amendment and General Development Plan. On September 8, 2015, the City Council directed staff to continue in discussions with Illumina and BMR with the goal of reaching agreement on a more comprehensive package of community benefits, and to return to the City Council with draft agreements for the Council's review.

The Planning Commission reviewed the DA at its meeting of August 6, 2015. The version reviewed by the Planning Commission did not include the Community Benefit Program payment (discussed below). Since vesting of impact fees for Phase II was not part of the original Business Terms approved by the City Council, staff advised the Planning Commission that the City Council will need to consider whether it wishes to approve vesting of impact fees for Phase II. Because City Council policy direction was

needed on this point, staff noted to the Commission that this proposed term of the DA was still an open item. The Planning Commission voted 5-0 to recommend City Council approval of the DA for Phase I and noted that the issue of vesting of impact fees for Phase II would still need to be resolved by the City Council.

On September 21, 2015, the City Council certified the Environmental Impact Report for the Project and adopted a Resolution that included a Statement of Findings under CEQA, including a Statement of Overriding Considerations. The City Council also approved a General Plan Amendment to increase the Floor Area Ratio (FAR) to 0.68, from the existing maximum allowable FAR of 0.60.

On September 21, 2015, the City Council also introduced and passed to second reading an Ordinance approving an amendment to the Foster City Zoning Map to change the Project's zoning from C-M/PD to C-M/PD and approved a General Development Plan for the ±20-acre Lincoln Centre Life Sciences Research Campus site, to allow development of: up to 595,000 gross square feet of laboratory, manufacturing, office space, and visitor and employee amenities; and structured parking. The second reading of the ordinance occurred on October 5, 2015.

Since the September 8<sup>th</sup> meeting, staff have continued to negotiate with BMR and Illumina the terms of the proposed agreements. Staff feels that the revised business proposal has been significantly improved upon and therefore is now requesting that the City Council consider for approval a proposed DA and EDIA for the Project.

## **ANALYSIS**

### **Development Agreement**

The DA has a term of sixteen (16) years, during which zoning, density, intensity and type of use (essentially the details set forth in the General Development Plan) would be vested such that any later changes City might make to such rules of development would not apply to this Project. Under the terms of the DA (Section 4.2), BMR is obligated to make a Community Benefits Program payment of \$1.85 million, payable in two equal installments of \$925,000 each. The first installment is payable upon expiration of statutes of limitation for challenging the DA and other land use approvals and the second installment would be payable when a building permit is issued for Phase 1 tenant improvement work. If bifurcation of the payments is not acceptable to Council, staff requests that Council give direction to staff as to what payment timing would be acceptable.

The City could use the Community Benefits Program monies for any purpose. In exchange for the Community Benefits Payment, the DA locks in existing impact fees for seven (7) years. In previous City Council meetings, some Councilmembers indicated that a lump sum Community Benefits Program payment would be acceptable while other Councilmembers have indicated a preference for specific programs identified or established by the applicant such as housing for employees, traffic mitigation, or schools.

The funds from the Community Benefits Program could be used for any purpose the City Council identifies. The following program ideas have been suggested:

- Foster City Community Benefits Foundation
- Foster City Traffic Improvement Initiatives, including a 92/Hillsdale joint traffic study with San Mateo
- City Environmental Initiatives, including electric vehicle stations, a bike route study, bike path upgrades, and grants for solar energy upgrades and water conservation measures
- City Housing Initiative, including seed funding for a loan assistance program
- Programs to support youth, teens and seniors
- Endowments for Foster City special events

Some Councilmembers have indicated they would like to see some amount of Community Benefits Program monies directed toward worker housing. In response to this, staff has contacted the Housing Endowment and Regional Trust (HEART) to determine if a down payment assistance program for Foster City workers is feasible. HEART, working with San Mateo County to administer the program, would be interested in exploring this concept with the City. Seed money could come from a portion of the BMR Community Benefits program payment. Details need to be worked out, but the thought would be to establish a program that would provide down payment assistance of approximately \$50,000 to \$75,000 to assist employees working in Foster City purchase a home in the community. Because the funds are not from a low income housing fund, income limits do not apply. As funds are repaid, additional loans could be provided. Also, future Community Benefits provided by other projects could be put into this fund. For example, the City will receive \$1 million when the Chess-Hatch Offices are developed.

If the Council is interested, staff will set up a meeting with HEART and the County to further explore this concept and return to the City Council with additional information. If this is of interest to the Council, it would be helpful to know approximately how much of the \$1.85 million the City Council would like to put toward this program. To provide enough funds to establish an assistance program, using \$1 million of BMR's contribution would be recommended.

The amount of the Community Benefit is a policy decision for the City Council as is the use of those funds. Staff has included a draft Ordinance should the City Council wish to introduce the Ordinance at this meeting. If the terms of the DA are not acceptable to the City Council, staff recommends that the item be continued and that the City Council provide guidance on what would be satisfactory so staff can continue discussions with BMR.

The Community Benefits Program monies paid to Foster City would be in addition to fees for traffic mitigation required by the EIR for intersections in Foster City and San

Mateo, the shuttle program that is proposed to CalTrain and BART in the West and East Bay and school fees. Those fees total \$1.19 million.

### Economic Development Incentive Agreement

The EDIA, which now covers Phases I and II of the Project, would obligate the City to reimburse Illumina for Phase I impact and permitting fees and, provided certain development milestones are met, for Phase II impact and permitting fees as well. The terms for the EDIA are the same as the terms proposed by Illumina at the September 8, 2015 meeting. The reimbursement of Phase II impact and permitting fees would only occur if Phase II is substantially completed within 5 years following the date of the EDIA. If Phase II of the Project is substantially completed more than 3 but less than 5 years following the date of the EDIA, Illumina would be reimbursed for impact fees in existing on the date of the EDIA but not future impact fees, such as the proposed affordable housing commercial linkage fee, that may be adopted by City in the future. However, as noted above, such new impact fees would not be applicable to the Project in any event since the proposed DA would exempt the entirety of the Project from such fees for the next 7 years. Under the EDIA impact and processing fee reimbursement payments will be made exclusively from future sales and use taxes generated by Illumina from operations at the site. According to current estimates, Illumina would be entitled to reimbursement of \$2,917,132 for Phase I fees, and, assuming Phase II is constructed within the next 5 years, an additional \$1,660,761 in fee reimbursements for Phase II for a total estimated fee reimbursement of \$4,577,893. It should be noted that these figures for Phases I and II are estimates based on currently available information. The final amounts for Phases I and II may be different if the calculation for individual fees changes. Per the terms of the proposed EDIA, if Phase II is not completed within 5 years there will be no reimbursement payments with respect to Phase II.

Illumina will be reimbursed from the sales and use taxes allocated and paid to the City by virtue of Illumina being located in Foster City (Section 2.2 of EDIA). Once full reimbursement occurred, the EDIA will terminate and all sales and use taxes paid to the City of Foster City will be retained by the City. In the unlikely event that Illumina has not been fully reimbursed after 10 years, the EDIA will terminate and the City will have no further obligation to make reimbursement payments (Section 3.1 of the EDIA).

Under Section 2.2.3 of the EDIA, 25% percent of the sales taxes paid to the City would be kept by the City during the rebate period. This amount is estimated to be \$200,000 annually. In addition to the sales and use taxes, it is estimated that Illumina's campus, after buildout of Phases I and II, would generate approximately \$970,000 in property taxes allocated to the City (Estero Municipal Improvement District) - \$530,000 for Phase I and \$440,000 for Phase II.

The sum of these two sources of new revenues is estimated to equal over \$1 million annually. After reaching the Incentive Payment Cap, annual revenues are estimated to be equal to \$1.7 million per year or more. It is also anticipated there will be additional benefits to local businesses associated with Illumina locating in Foster City, as Illumina

employees are likely to patronize these local businesses (e.g., purchase gas, food, personal services, etc.)

### Economic Development Subsidy Report Findings

The EDIA is an “economic development subsidy” within the meaning of Government Code Section 53083(g); and as required by Government Code Section 53083(a), the following information is required:

1. The name and address of all corporations or any other business entities that are the beneficiary of the economic development subsidy.

Illumina, Inc.  
5200 Illumina Way  
San Diego, CA 92122

2. The start and end dates and schedule for the economic development subsidy.

The reimbursement payments to be made by City will commence in the calendar year in which Illumina commences business operations from Phase I and will end upon the earlier of the date that the Rebate Cap payments have been fully reimbursed (anticipated to be year 5) or the 10<sup>th</sup> anniversary of the date of the EDIA.

3. A description of the economic development subsidy, including the estimated total amount of the expenditure of public funds by, or of revenue lost to, the local agency as a result of the economic development subsidy.

The subsidy would reimburse Illumina for cost the Processing Fees and Impact Fees, as defined in the EDIA, The subsidy are estimated to be \$2,917,132 for Phase I and \$1,660,761 for Phase II.

4. A statement of the public purposes for the economic development subsidy.

Illumina will provide the City of Foster City with substantial public benefits to the City, including creation of high skilled jobs and the increase of local sales and use tax revenues for the City and will further the City's economic development goals, particularly in the manufacturing sector, and promote a sound and healthy local economy.

5. Projected tax revenue to the local agency as a result of the economic development subsidy.

It is estimated Phases I and II would generate \$50 million over the next 16 years.

6. Estimated number of jobs created by the economic development subsidy, broken down by full-time, part-time, and temporary positions.

At full capacity of Phase 1, Illumina could have between 800-1000 employees. Approximately 15% of the workforce is part-time or temporary positions; the balance is full time positions.

### Fiscal Impact Analysis

In support of the EDIA and DA proposal, BMR has provided a spreadsheet which includes a Fiscal Impact of Project Detailed Analysis. The analysis shows potential income by year for Phase I and II, for the 16 year term of the Illumina lease and for two 5 year extensions through year 26. Based on these projections, the reimbursements to Illumina would end in year 5. During the 16 year term of the Illumina lease, BMR estimates that Phase I would generate approximately \$27 million in revenue and combined Phases I and II would generate \$50 million.

These assumptions are based on Phase II being occupied in year two. While BMR considers this a likely scenario, Illumina has not committed to construction of Phase II. BMR also projects the Net Fiscal Revenues during the initial 16 year lease term with Illumina (net of General Fund expenditures, to total \$31.6 million. These estimates are based on expenditure suppositions developed by the applicant and not the City.

### NEXT STEPS

Staff has provided an Ordinance for approval of the DA and a Resolution for approval of the EDIA. If the terms of the DA and/or EDIA are not acceptable to the City Council, staff recommends that the item be continued and that the City Council provide guidance on what would be satisfactory so staff can continue discussions with BMR and Illumina.

If the City Council introduces the ordinance for the DA this evening, the second reading would occur at the November 2, 2015 City Council meeting and the ordinance would become effective 30 days thereafter on December 2, 2015. The EDIA can be approved by Resolution and would become effective upon being signed by all the parties involved.

It is recommended that the City Council consider and act on the Development Agreement prior to consideration and action on the EDIA. Staff suggests this because part of the value for including Phase II in the EDIA is payment of Community Benefit fees which is part of the BMR DA. If the DA is not acceptable to the City Council, then the Council should consider whether Phase II should be included in the EDIA.

ATTACHMENTS:

- Ordinance: Development Agreement
- Development Agreement
- Resolution: Economic Development Incentive Agreement
- Economic Incentive Agreement
- Resolution P-27-15: Resolution of the Planning Commission recommending approval of the Development Agreement
- Letter from Salil Payappilly dated September 29, 2015

OAK #4834-8485-6361 v2





DATE: October 17, 2016

TO: Mayor and Members of the City Council

VIA: Kevin M. Miller, City Manager

FROM: Jeff Moneda, Public Works Director/City Engineer

SUBJECT: BASIS OF DESIGN OVERVIEW REPORT PREPARED BY SCHAAF & WHEELER CONSULTING CIVIL ENGINEERS FOR THE LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (CIP 301-657)

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### RECOMMENDATION

It is recommended that by Minute Order, the City Council provide feedback, if any, and receive and file the Basis of Design Overview Report prepared by Schaaf & Wheeler Consulting Engineers dated October 2016.

### EXECUTIVE SUMMARY

Schaaf & Wheeler was tasked with performing the preliminary engineering design work, which included the preparation of the subject Basis of Design Overview Report. This report is being used to prepare the California Environmental Quality Act (CEQA) documents anticipated to be submitted for review in early 2017. The information contained in the report will be used when conducting public outreach efforts, as well as preparing the final design.

### BACKGROUND

At the regular meeting on September 8, 2015, the City Council adopted Resolution No. 2015-75, authorizing approval of Contract Amendment No. 1, in the amount of \$887,644, with Schaaf & Wheeler to perform services associated with the environmental regulatory permitting and preliminary design for the Levee Project's Basis of Design Overview Report. The draft Basis of Design Overview Report is now

complete.

## ANALYSIS

The Basis of Design Overview Report builds on the analysis of the levee improvement alternatives presented at the July 27, 2015 City Council meeting and provides preliminary design for improvements based on additional field investigation, topographical and boundary survey, preliminary geotechnical investigation performed, and detailed wave run-up calculations. The following 10 sub-reaches are identified based on points of interest and potential constraints of each segment limiting the type of improvement alternatives that can be constructed:

1. San Mateo City Limit to Mariners Point Golf
2. Mariners Point Golf to San Mateo Bridge
3. San Mateo Bridge Undercrossing
4. Werder Pier to Bowditch Middle School
5. Bowditch Middle School to PG&E Transmission Line near Foster City Boulevard
6. PG&E Transmission Line to Lagoon Intake Gates Structure
7. Lagoon Intake Gates Structure to Sea Cloud Park
8. Sea Cloud Park to Port Royal Park
9. Port Royal Park to O'Neill Slough Trail
10. O'Neill Slough Trail to San Mateo Tide Gates

In summary, the Basis of Design Overview Report outlines:

- Designated sub-reaches along the levee;
- Levee elevation deficiencies within each sub-reach;
- Preliminary geotechnical conditions within each sub-reach;
- Design constraints within each sub-reach;
- A design alternative analysis and recommended improvement type within each sub-reach;
- Preliminary structural design considerations;
- Sea level rise adaptation measures; and
- Preliminary cost estimates for basic flood protection and Bay Trail restoration.

Staff requests input on the subject draft Basis of Design Overview Report. Following the adoption of the Environmental Impact Report (anticipated in January 2017), direction from the City Council will be requested on the levee height required for design (anticipated in February 2017).

## FISCAL IMPACT

There is no fiscal impact with tonight's action on this item. However, there will be fiscal impacts associated with the determination of the levee height required (anticipated in February 2017).

Attachment:

- Basis of Design Overview Report

# City of Foster City

## LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (CIP 301-657)

### Basis of Design Overview



October 2016

**Schaaf & Wheeler**  
CONSULTING CIVIL ENGINEERS





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## **1. Overview**

Foster City's eight-mile levee system spans from the City of San Mateo boundary on the north to the O'Neill Slough Tide Gate at the San Mateo/Belmont boundary to the south. The main function of the levee system is to provide flood protection; however, the Bay Trail situated on top of or immediately adjacent to the levee also serves as a regional recreational amenity.

In 2007 the U.S. Federal Emergency Management Agency (FEMA) recertified the Foster City levee system, determining that the levees met the National Flood Insurance Program (NFIP) requirements for levee accreditation. In 2014 FEMA completed the Central and South San Francisco Bay Coastal Flood Hazard Studies associated with the California Coastal Analysis and Mapping Project (CCAMP) that include hazards associated with tides and waves in the San Francisco Bay. The CCAMP studies found that Foster City's levees do not meet the required freeboard elevation for accreditation per Title 44 of the Code of Federal Regulations Section 65.10 (44 CFR 65.10).<sup>1</sup> Therefore the Foster City levee system will not retain the current accredited status when FEMA remaps San Mateo County for coastal flood hazards. It is anticipated that the new maps will become effective sometime in 2017.

Foster City's levees must be improved to meet FEMA requirements for accreditation and protect the residents of Foster City and San Mateo from flooding. The basis of design builds on the analysis of the levee improvement alternatives in the 2015 Foster City Levee Protection Planning Study and provides preliminary design for improvements based on additional field reconnaissance, detailed wave run-up calculations, and preliminary geotechnical investigations undertaken since October 2015. Specifically, the basis of design report documents:

1. Designated sub-reaches based on existing conditions along the levee;
2. Levee elevation deficiencies within each sub-reach;
3. Preliminary geotechnical conditions within each sub-reach;
4. Design constraints within each sub-reach;
5. Design alternative analyses and recommended improvement type within each sub-reach;
6. Preliminary structural design considerations;
7. Sea level rise adaptation measures; and
8. Preliminary cost estimates for basic flood protection and Bay Trail restoration.

The Basis of Design document will be modified and enhanced throughout the course of design development to be suitable for inclusion with the Conditional Letter of Map Revision (CLOMR) documents that will be submitted to FEMA for their concurrence before levee improvement construction begins.

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<sup>1</sup>BakerAECOM, "A Central San Francisco Bay Coastal Flood Hazard Study (San Mateo County, California) Coastal Analysis Report," July 25, 2014; and BakerAECOM, "A South San Francisco Bay Coastal Flood Hazard Study (San Mateo County, California) Study Report," May 7, 2014.

## 1.1. Foster City Flood Hazard Mapping Status

For Foster City to regain its previous Zone X (protected by levee) status – that is, to prevent all 9,000 parcels within Foster City and 8,000 parcels within San Mateo from being included in a Special Flood Hazard Area (SFHA) – improvements to the existing levee system must be made. Foster City has accepted levee seclusion mapping to be able to remain in the Zone X designation for an indefinite period of time while the levee improvements are being made.

The goal of this designation is to defer flood hazard remapping while the City raises funds, completes design, and starts construction on levee improvements without impacting the residents with mandatory flood insurance policy requirements. The area presently incorporated into the FEMA seclusion zone shown as “Zone X Protected by Levees” is depicted in Figure 1-1.

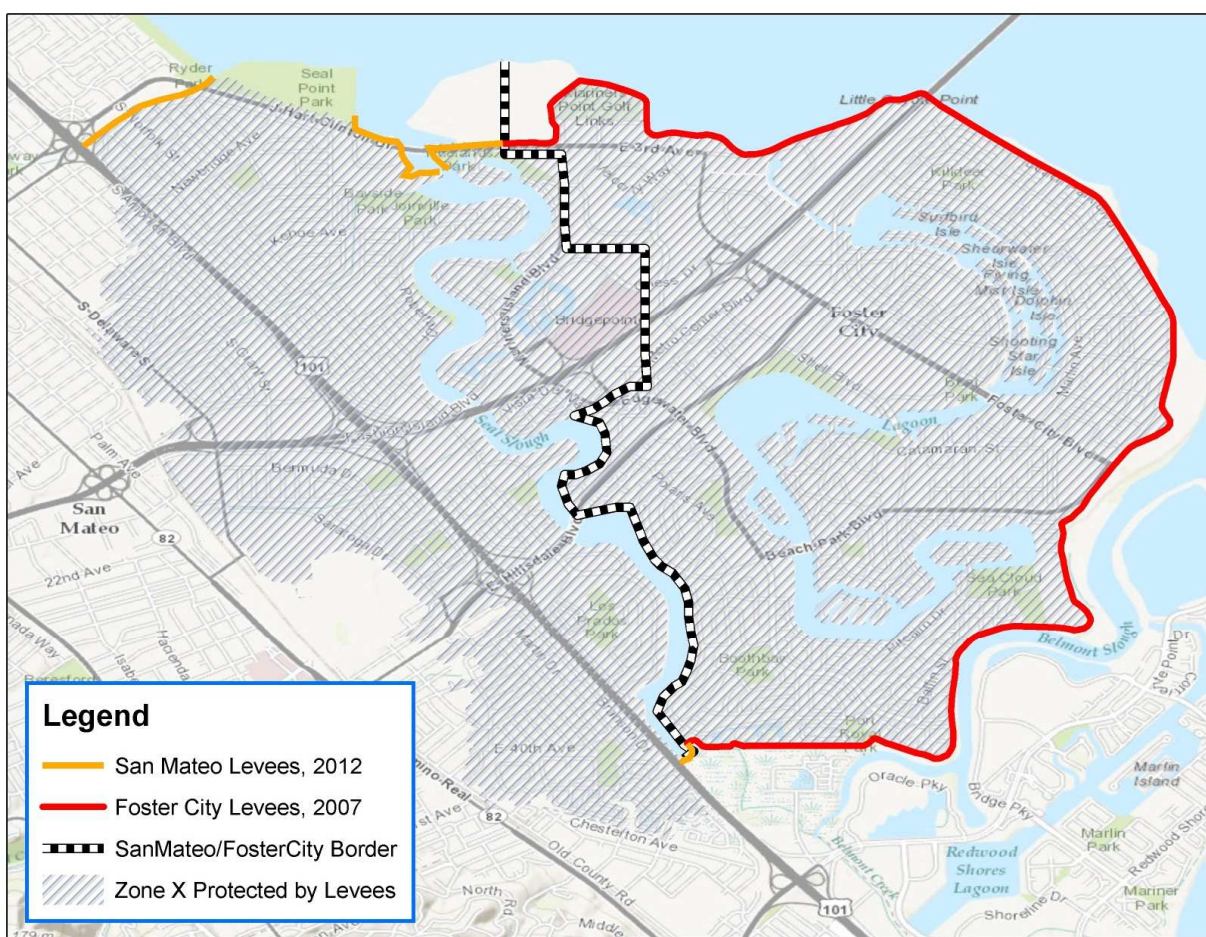


Figure 1-1: FEMA Seclusion Zone

In February 2015, Schaaf & Wheeler completed a Levee Protection Planning Study that analyzed the findings of FEMA’s Coastal Flood Hazard Study. The planning study found that the Foster City Levees need to be raised up to four feet in some locations to meet FEMA requirements for freeboard.



Analyses in the CCAMP reports and FEMA's preliminary Flood Insurance Rate Map reflect changes in mean sea level that have occurred to date, but they do not account for potential future sea level rise (SLR). Since the levee improvement project is expected to function at least through to the 22<sup>nd</sup> Century, a flood protection facility that incorporates projections of future sea levels or is easily adaptable to those uncertain levels is desirable. To coincide with SLR projections for the Year 2100, an 80-year project life appears to be appropriate for consideration. Given the uncertainty inherent in future SLR predictions, levee improvements will be designed (at the least) to protect against likely Year 2050 SLR and could also be adaptable without substantial foundation rework to meet likely sea level projections for the Year 2100.

## **1.2. Design Assumptions**

Initial cross sections from the 2015 Planning Study have been used to estimate the footprint of recommended levee improvements to meet FEMA requirements and to accommodate potential future sea level rise scenarios over an eighty year project life. The following assumptions are made for further planning and design to include additional freeboard above the top of levee elevation required for FEMA accreditation:

- Fill placement on the bayside should be limited due to permitting complexities.
- ENGEO will provide an estimate of the anticipated 30-year expected settlement. The anticipated settlement value will be added to the desired freeboard to determine the constructed levee elevation. Preliminary estimates of 30-year settlement are provided herein.
- Earthen levees shall be constructed at no steeper than a 2H to 1V bank slope.
- Levees will be designed to accommodate a 15 feet wide (minimum) pathway with a 10 feet wide paved section, although the minimum standard pathway width is 12 feet with an 8 feet wide paved section.

### **1.2.1. Sea Level Rise**

To be consistent with current planning efforts underway by the Coastal Conservancy and County of San Mateo, sea level rise (SLR) scenarios are adopted from recent projections from the National Research Council (NRC).<sup>2</sup> Figure 1-2 provides the latest projected sea level rise curves from the NRC.

Table 1-1 summarizes sea level rise projections from the 2012 NRC Report, which have been adopted by the City and County of San Francisco and other Bay Area organizations for infrastructure planning and are used herein as the basis of design analysis for adaptive sea level rise measures. The projections (for example, 36 ± 10 inches in 2100) represent likely sea level rise values based on a moderate level of greenhouse gas emissions and extrapolation of continued accelerating land ice melt patterns, plus or minus one standard deviation. The extreme limits of the ranges (17 and 66 inches for 2100) represent unlikely but possible levels of sea level rise using both very low and very high emissions scenarios and, at the high end, including significant land ice melt that is currently not anticipated, but could occur.

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<sup>2</sup> National Research Council, *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past Present, and Future*, National Academies Press, Washington, 2012.

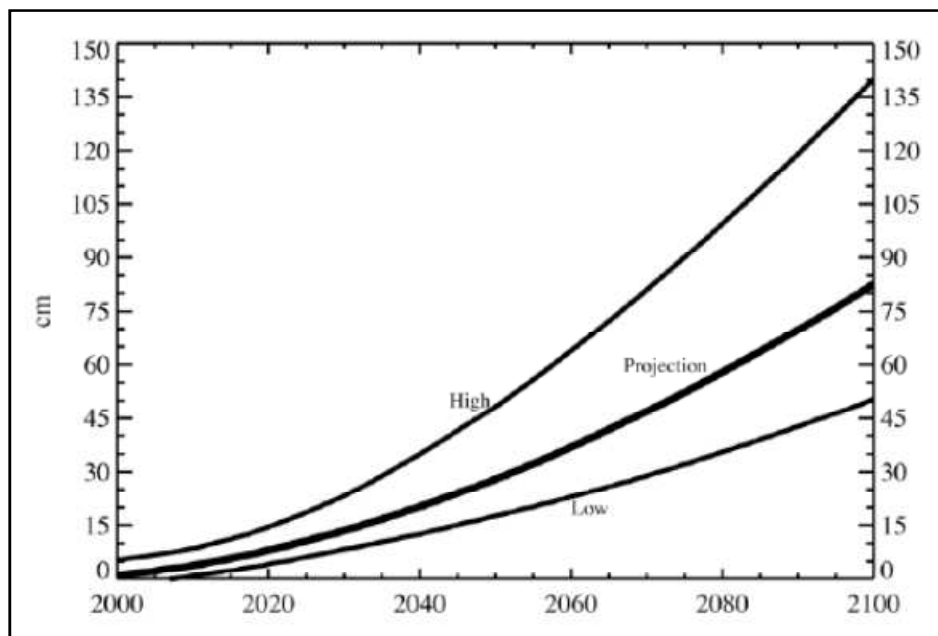


Figure 1-2: Sea Level Rise Projections

Table 1-1: Locally Adopted Sea Level Rise Estimates

Time Period	Projection (inches)	Range (inches)	Adopted for Planning and Design in Foster City
2000 – 2030	6 ± 2	2 to 12	8 inches
2000 – 2050	11 ± 4	5 to 24	15 inches
2000 – 2100	36 ± 10	17 to 66	46 inches

Creditable sources generally do not provide estimates of future sea level rise beyond 2100. Assuming the completion of levee improvements in 2020, any system designed to ultimately accommodate predicted SLR in 2100 would be said to have an 80-year design life. (This basis of design assumes that NFIP and FEMA standards for levee accreditation will remain unchanged over those 80 years.) At a minimum, it assumed that the design life without modification of this project is 30 years. Both options are investigated in terms of the protection afforded against predicted future sea level rise scenarios. Further environmental and economic analyses are needed to determine the option that best suits Foster City's needs. The basis of design report is one tool that can be used to help cultivate these analyses.

### 1.2.2. Levee Accreditation Standards for Design

Title 44 of the Code of Federal Regulations Section 65.10 (44 CFR 65.10) provides the minimum design, operation, and maintenance standards levee systems must meet and continue to meet to be recognized as providing protection from the base flood on a Flood Insurance Rate Map as part of the National Flood Insurance Program (NFIP). For levees to be accredited by FEMA, evidence that adequate design and operation and maintenance systems are in place to provide reasonable assurance that protection from the base flood exists must be provided.



For coastal levees such as those that provide protection against the San Francisco Bay, freeboard (a measure of safety above the top of the levee system) must be established at one foot above the height of the one percent wave or the maximum wave run-up (whichever is greater) associated with the 100-year surge elevation at the site. In Foster City the criterion for one foot of freeboard above the maximum wave run-up elevation generally controls the levee elevation requirements for those levee segments exposed to wind-waves from San Francisco Bay. Regardless of wave run-up, freeboard of less than two feet above the 100-year surge elevation will not be accepted for an accredited levee by FEMA. Two freeboard options are investigated for initial levee improvement design and construction:

- **FEMA + 2050 SLR.** This freeboard option would raise levees to FEMA requirements (including freeboard) plus additional freeboard to maintain the design level of protection after 30 years of settlement. The finished post-construction elevation would account for predicted settlement and provide protection against increased one-percent stillwater elevations and wave run-up due to 15 inches of future sea level rise.
- **FEMA + 2100 SLR.** This freeboard option would raise levees to FEMA requirements (including freeboard) plus additional freeboard to maintain the design level of protection after long-term settlement has occurred, which is anticipated to be largely completed within 30 years of construction, similar to the FEMA + 2050 SLR scenario. The finished post-construction elevation would account for predicted settlement and provide protection against increased one-percent stillwater elevations and wave run-up due to 46 inches of future sea level rise, which is projected as the “likely” 2100 global mean sea level rise. Some state agencies, based on NRC predictions, have advised providing protection for up to 66 inches of sea level rise by Year 2100.

In addition to required freeboard, levee systems must be evaluated for their ability to resist the various structural loads placed on them, and with earthen levee systems, meeting geotechnical performance standards is paramount. These standards are also explicitly stated in 44 CFR 65.10:

- **Embankment protection.** Engineering analyses must be submitted that demonstrate that no appreciable erosion of the levee embankment can be expected during the base flood, as a result of either currents or waves.
- **Embankment and foundation stability.** Engineering analyses demonstrating levee embankment stability must be submitted. The analyses shall evaluate expected seepage during loading conditions associated with the base flood and shall demonstrate that seepage into or through the levee foundation and embankment will not jeopardize embankment or foundation stability.
- **Settlement.** Engineering analyses must be submitted that assess the potential and magnitude of future losses of freeboard as a result of levee settlement and demonstrate that freeboard will be maintained within the minimum standards.

Other NFIP levee standards for accreditation for design include:

- **Closures.** All openings must be provided with closure devices that are structural parts of the system during operation and design according to sound engineering practice.
- **Interior drainage.** An analysis must be submitted that identifies the source(s) of such flooding, the extent of the flooded area, and, if the average depth is greater than one foot, the water-surface elevation(s) of the base flood. This analysis was completed by Schaaf & Wheeler in 2014, which FEMA used to map the base flood elevation of the Foster City Central Lagoon.

### 1.3. Levee Improvement Types

Foster City Council has directed the Public Works Department to plan, design and construct a barrier system that protects Foster City from San Francisco Bay flooding hazards while meeting FEMA criteria for accreditation. The “no project” alternative is an option, but not considered herein, as this option would mean Foster City and portions of San Mateo are placed within a Special Flood Hazard Area, which does not meet the basic project objective.

#### 1.3.1. Earthen Levee

The earthen levee improvement type is shown as Figure 1-3. The base of the improved earthen levee would be sufficient to support additional fill (shown dashed) that may be placed in future years to restore levee elevations lost to long-term settlement or to provide protection against future sea level rise for the life of the project. Earthen levees are a preferred alternative for maintaining views along the trail, providing access to the shoreline, and providing escape routes for wildlife during flood events.

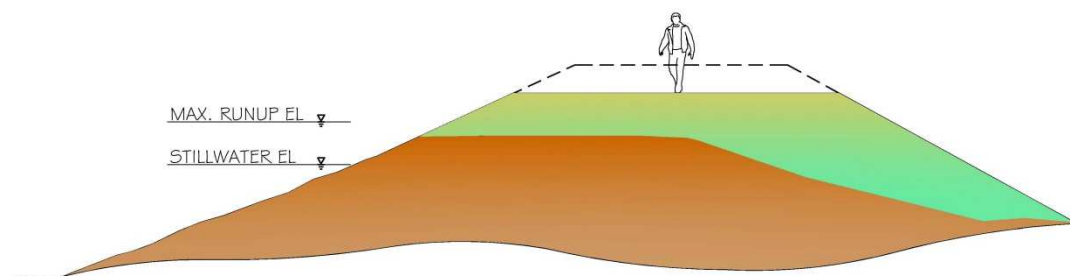
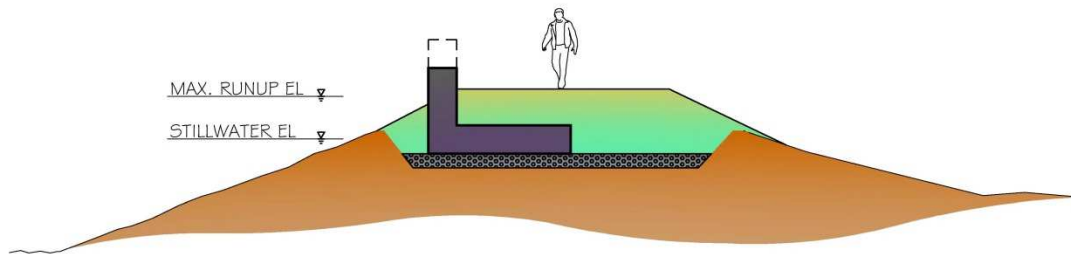


Figure 1-3: Typical Earthen Levee Improvement Type

#### 1.3.2. Conventional Structural Floodwall

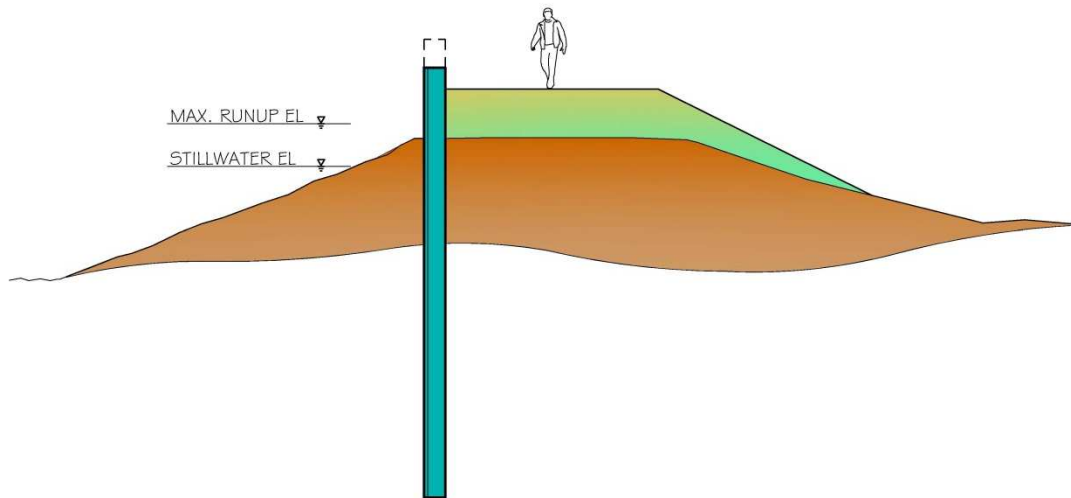
Structural floodwall sections are advantageous where there is not enough right-of-way to accommodate increased elevations and widening for an earthen levee. If seepage is an issue in the levee section below the floodwall, a slurry or sheet pile barrier also needs to be installed. Additional earthen fill (shown as green shading in Figure 1-4) can be added to increase the height of the trail and decrease the relative height of the wall so that the wall is no higher than 3.5 feet adjacent to the Bay Trail after long-term settlement. Assuming the base of the floodwall structure is designed to accommodate loads from future wall height increases (shown dashed), a structural flood wall is relatively easy to modify and adapt to future sea level rise.



**Figure 1-4: Typical Conventional Floodwall Improvement Type**

### **1.3.3. Hybrid Sheet Pile Floodwall**

During construction of a conventional structural floodwall (Figure 1-4), levee excavation is required to build the wall foundation. This could compromise the level of flood protection provided during construction, so a temporary sheet pile on the water side would be necessary. Rather than first install and later pull the sheet pile after conventional flood wall construction, this alternative uses sheet pile floodwall sections as the permanent flood protection facility, particularly where there is insufficient right-of-way for an earthen levee. Similar to the conventional floodwall improvement type, the trail could be raised with additional fill in locations where the finished floodwall elevation is higher than 3.5 feet above the trail. Fill placement is shown as green shading in Figure 1-5.



**Figure 1-5: Typical Sheet Pile Floodwall Improvement Type**

## **1.4. Public Safety and Appearance**

Levee improvements need to be designed with considerations for both aesthetics and public safety. The preferred paved width of the reconstituted Bay Trail is 10 feet, with a minimum allowable paved width of 8 feet. It is essential that all improvements comply with the American with Disabilities Act (ADA) and fall protection must be provided in all areas where levee improvements create a potentially unsafe drop on the bay side of a vertical wall. The maximum allowable longitudinal grade along the trail is 5 percent.



Beyond the improvements needed for FEMA accreditation, the Foster City levee system is an important public amenity and as such must be palatable to the public to the maximum extent practicable.

#### **1.4.1. Public Access to Bay Trail**

Public access from surrounding streets must be maintained to the Bay Trail and suitable public access points to the Bay shoreline from the Bay Trail need to be maintained. There are numerous unauthorized access points along the trail that may be purposefully eliminated; and additional access points could be added to the design. The design will reflect feedback obtained during public outreach efforts as well as Bay Conservation and Development Commission (BCDC) requirements and input. Vehicular access to the trail for maintenance, firefighting, rescue operations, public safety and crime prevention is also important.

### **1.5. General Geotechnical Hazards**

The Foster City levee system was constructed on reclaimed marsh land by placing fill over highly compressible clayey deposits, locally known as Bay Mud. The thickness and composition of manmade fill varies along the 8-mile levee system. Based on regional mapping and existing subsurface information, Bay Mud deposits along the 8-mile levee system vary between 40 to 90 feet thick. Bay Mud deposits are generally underlain by older alluvial deposits and bedrock, which is mapped by California Division of Mines and Geology (CDMG, 1969) to be as much as or greater than 180 feet below the ground surface.

The major geotechnical hazards related to levee improvements include:

- Global levee stability (under static and seismic conditions)
- Long-term settlement (settlement 30 years after construction is complete)
- Liquefaction
- Seepage

The impact of the above geotechnical hazards is dependent on the type of levee improvements (earthen fill, conventional floodwall or sheet pile hybrid solution) and the design levee height to achieve the desired flood protection goal. In general, long-term load induced settlement is anticipated due to placement of new levee fill along the majority of the 8-mile levee system.

### **1.6. Alternative Design Levee Elevations**

Preliminary design focuses on providing the required top of levee (or floodwall) elevations to meet current NFIP/FEMA levee accreditation criteria for freeboard under the following scenarios:

1. CCAMP projections for the maximum wave runup associated with 100-year tide – “FEMA”
2. Projected 2050 Sea Level Rise (plus one standard deviation) – “2050 SLR”
3. Projected 2100 Sea Level Rise (plus one standard deviation) – “2100 SLR”



## **1.7. Environmental Considerations**

The CEQA process includes the completion of an Environmental Impact Report and Notice of Determination. Required State environmental regulatory authorizations must be obtained from the San Francisco Regional Water Quality Control Board, San Francisco Bay Conservation and Development Commission, California Department of Fish and Wildlife, and State Lands Commission.

Project authorization cannot be obtained without:

- A determination from the lead agency that the project complies with CEQA
- Allowing for adequate public access
- Selecting the Least Environmentally Damaging Practicable Alternative
- Providing adequate mitigation for unavoidable impacts

Required Federal environmental regulatory authorization includes the US Army Corps of Engineers. Project authorization cannot be obtained without:

- Selecting the Least Environmentally Damaging Practicable Alternative
- Providing adequate mitigation for unavoidable impacts
- 401 Water Quality Certification from RWQCB
- Compliance with the Coastal Zone Management Act (BCDC)
- Endangered Species Act Section 7 Biological Opinion from the US Fish and Wildlife Service
- Endangered Species Act Section 7 Biological Opinion from NOAA Fisheries
- Compliance with Magnuson-Steven Fisheries Management and Conservation Act
- Compliance with Section 106 of the National Historic Preservation Act (SHPO)

## **1.8. Initial Screening of Levee Improvement Alternatives**

A number of levee improvement alternatives combining the three levee improvement types have been evaluated for initial screening based on capital cost, environmental impact and aesthetics. The use of what is known as a “horizontal levee” or “ecotone slope” for the open water portion of the levee system outside of Belmont Slough has also been evaluated. Figure 1-6 presents the estimated initial construction cost of the following alternative levee improvement concepts:

1. Hybrid Construction for FEMA Accreditation
2. Hybrid Construction for 2050 SLR (30-year design life)
3. Hybrid Construction for 2100 SLR (80-year design life)
4. Hybrid Construction for Unlikely High Range 2100 SLR (80-year design life)
5. Foundation for 2100 SLR - Top of Levee Set for 2050 SLR (80-year design life)
6. Hybrid Construction for 2050 SLR/Adaptable to 2100 SLR (80-year design life)
7. Ecotone Slope for 2100 SLR (80-year design)

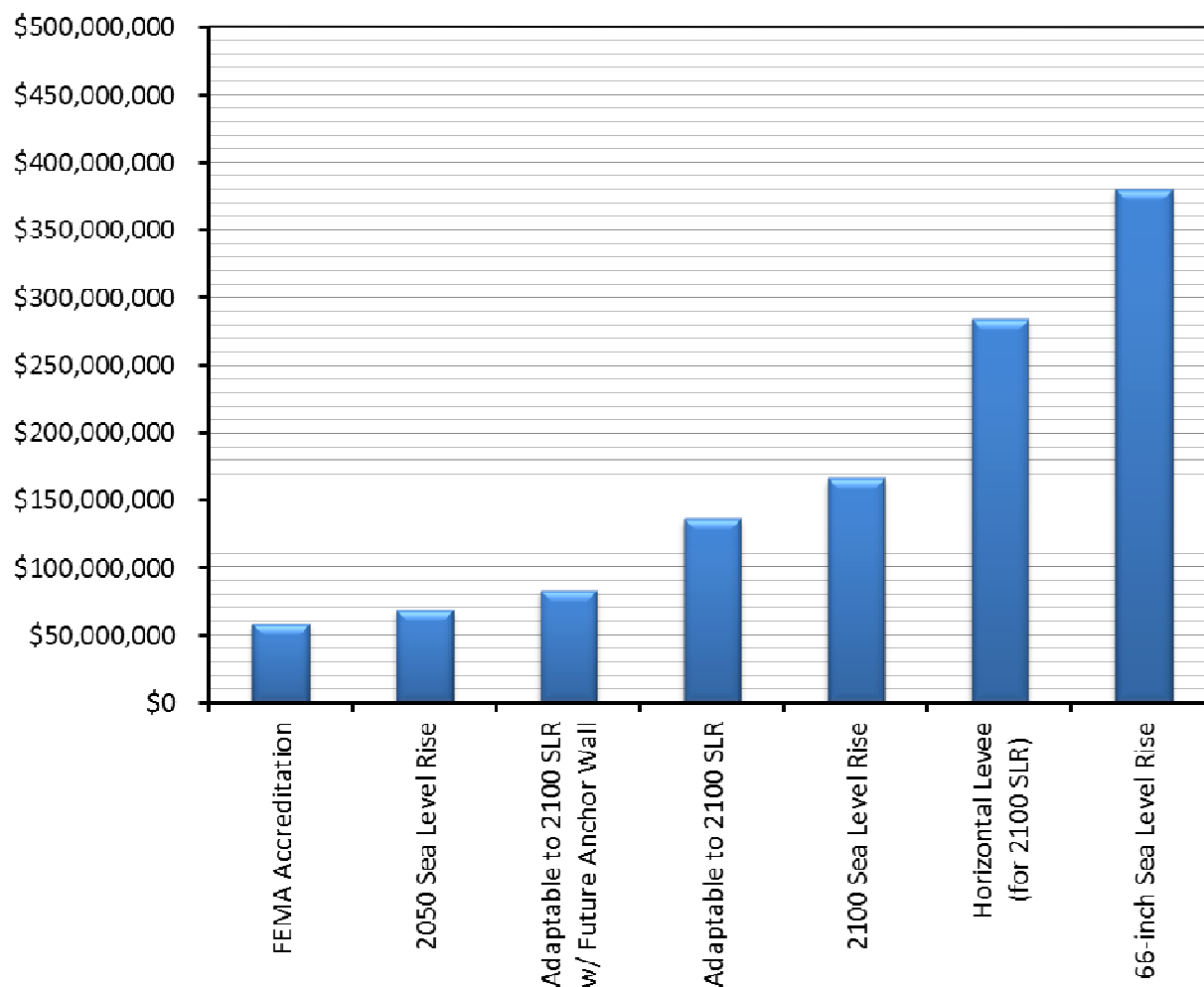


Figure 1-6: Comparison of Alternative Levee Improvement Costs

## 1.9. Levee Improvement Program

Based on the project constraints listed herein and as understood at this time, the most economic means to meet FEMA requirements for accreditation with an adaptive strategy for sea level rise is to construct a mix of hybrid levee improvement types as shown by Figure 1-7. Table 1-2 provides the percentage of each levee improvement type within the total system.

Table 1-2: Levee Improvement Type Summary

Improvement Type	Total Length (feet)	Percentage of Project
Hybrid Sheet Pile Floodwall	31,400	73%
Raise Earthen Levee	5,100	12%
No Improvements at High Ground	3,400	8%
Conventional Floodwall	2,900	7%
	42,800	100%



**Figure 1-7: Recommended Levee Improvement Project**

### 1.10. Summary

Through the initial filter of gross affordability, levee improvement options that can likely be built for \$100 million or less in initial capital outlay are:

1. Hybrid Construction to Regain FEMA Accreditation (\$60,000,000)
2. Hybrid Construction for 2050 SLR (\$70,000,000)
3. Hybrid Construction for 2050 SLR/Adaptable to 2100 SLR (\$90,000,000)

Most of the additional cost for an adaptable system involves the need for additional steel thickness in the sheet pile walls as the longer design life will result in a loss of additional material due to corrosion. City Council, however, may find that additional initial costs are justified to design a levee system that is more resilient to climate change. Selecting the levee elevations and system configurations for detailed design development is a two-step process:

1. Establish the levee elevation criterion for initial construction.
2. If an adaptable levee system is chosen; select the method of adaptation.

The levee elevation criterion will be based on the immediate environmental impact, particularly the increase in levee elevation relative to existing conditions, in context with the uncertainty of future sea level rise estimates when compared to the design life of the improvements. If an adaptable levee system is desired, the method of adaptation must consider the cost-effectiveness of initial and ultimate construction given that some capital expenditures may be deferred to a date uncertain.

Table 1-3 presents a decision matrix for selecting the levee elevation criterion for initial construction. Capital costs must be weighed against the design life and risk associated with a shortened design life due to higher than anticipated sea level rise. Surrogates for this risk assessment are the predicted years when FEMA freeboard (and therefore accreditation) would be lost, or when physical overtopping in a one-percent storm event would occur based on the NRC “unlikely but possible” sea level rise projections through 2100.

**Table 1-3: Levee Elevation Design Criterion Decision Matrix**

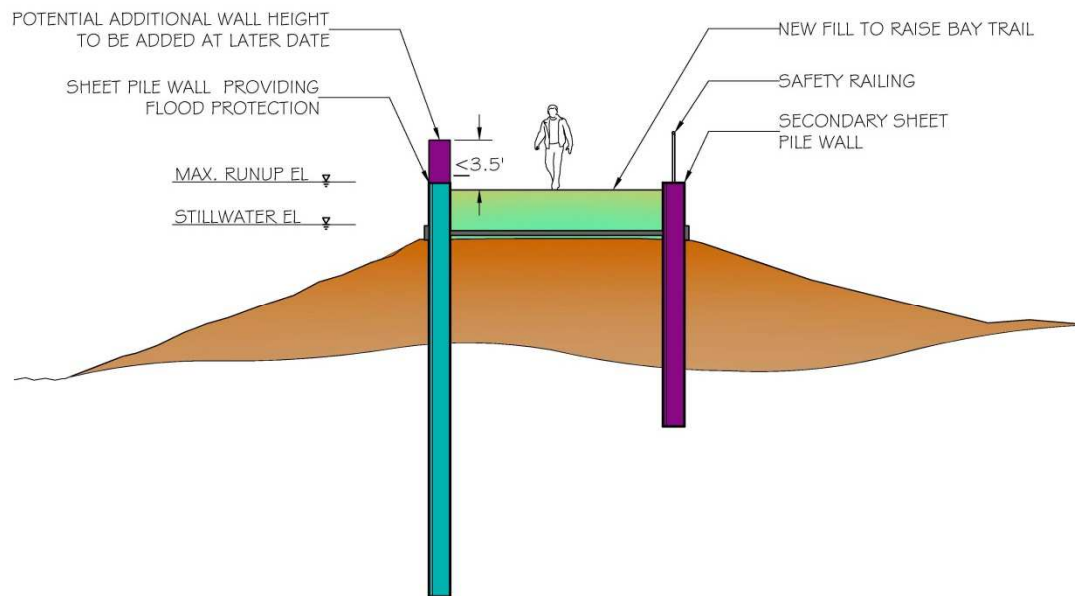
Set Levee Elevation for	Project Cost	Increase in Levee Height (feet)	Year Accreditation Lost based on High Range SLR	Year of First Overtopping based on High Range SLR
FEMA Accreditation	\$60,000,000	0 - 4	Next FEMA Study?	2040
2050 SLR (15 inches)	\$70,000,000	2 - 7	2040	2060
2100 SLR (46 inches)	\$170,000,000	5 - 10	2075	2090

Table 1-4 presents a similar decision matrix for assessing the economics of providing adaptive resilience to sea level rise. Two methods for achieving this resilience have been evaluated:

1. Initially embed sheet pile wall sections for the projected Year 2100 loading with an 80-year design life. Add to the wall height in the future.
2. Initially embed sheet pile wall sections for 2050 SLR load and with an 80-year design life. Add to the wall height in the future and construct a secondary anchor wall to accommodate transferred loads from the floodwall. (Figure 1-8) Since some state agencies advise providing protection for up to 66 inches of sea level rise by Year 2100 and the cost of achieving this with the initial embedment of sheet piling is exorbitant (nearly \$400 million), the initial cost of a deferred anchorage system for this scenario has been estimated.

**Table 1-4: Adaptive Design Measures Decision Matrix**

Method of Adaptation	Initial Project Cost	Future Cost	Total Present Worth
Deeper Initial Embedment	\$140,000,000	\$40,000,000	\$180,000,000
Deferred Secondary Anchorage (projected 2100 SLR)	\$90,000,000	\$110,000,000	\$200,000,000
Deferred Secondary Anchorage (unlikely but possible 2100 SLR)	\$140,000,000	\$200,000,000	\$340,000,000



**Figure 1-8: Concept for Levee Adaptation to Sea Level Rise**

The “penalty” for deferring the construction of additional levee elevation to combat potential future increases in sea level is not particularly steep, representing about ten percent of the present value for construction.

Analysis does show that with slightly deeper sheet pile embedment at some locations, by initially embedding the sheet pile wall sections for the projected Year 2100 loading, protection against the unlikely but possible 66 inches of sea level rise could be afforded by building a secondary anchor wall. Also, with such extended levee heights using a second anchored wall is more cost-efficient than a single wall. The decision is whether the enhanced future design flexibility and resiliency justifies an additional initial capital outlay of \$50 million, which increases the project cost and funding requirements by nearly 60 percent.

Perhaps future sea level rise will be worse or far worse than predicted, so capital expenditures made at this time in anticipation of the future are sufficiently uncertain as to be at risk. That is, the levee system would need to be completely rebuilt sooner than the end of the design life regardless of the decisions made now. At some point a regional solution may be the only viable alternative for protection against rising sea levels.



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DATE: October 17, 2016

TO: Mayor and Members of the City Council

VIA: Kevin M. Miller, City Manager

FROM: Jennifer Liu, Parks and Recreation Director

SUBJECT: UPDATE FROM RECREATION CENTER MASTER PLAN COMMUNITY  
AD HOC SUBCOMMITTEE

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It is recommended that the City Council review the following update report and communications plan from the Recreation Center Master Plan Ad Hoc Subcommittee and by minute order provide policy direction on pursuing the outreach timeline and strategies as outlined.

#### EXECUTIVE SUMMARY

The City Council authorized a Recreation Center Master Plan study for the purpose of providing the opportunity to evaluate community interests and needs such that the Recreation Center is timely and relevant and an amenity that will see the Foster City community into the future. An Ad Hoc Subcommittee made up of City Council, City staff and members of the public was appointed to guide Phase I, which is the research and public outreach component of the Master Plan development.

Demographic analysis and community input are essential to the long-term success of the project. The City Manager recommended, and the Ad Hoc Subcommittee concurred, that the level of analysis and interaction that will be needed requires the involvement of a recreation planning facilitator. Based on their knowledge and experience, RJM Design Group, Inc. was engaged to guide the outreach process.

A variety of public input tools have been identified and are included in the attachments to this report. Staff seeks City Council policy direction by minute order on pursuing the outreach timeline and strategies as outlined.

## BACKGROUND

At the January 25, 2016 City Council Meeting, City infrastructure was identified as a City Council priority area. Based on its current condition, the City Council expressed an interest in pursuing a process for evaluating the existing Recreation Center to determine whether a major re-roof project, a broader renovation, or a complete rebuild would best meet the recreational needs of the Foster City community both now and in the years to come.

At the March 28, 2016 City Council Special Meeting, City staff presented a special report on the Recreation Center: its structural integrity/ongoing maintenance and relevance in its ability to reflect City demographics and trends in recreation facility use in context of aging City infrastructure. At the May 9, 2016 City Council Special Meeting, City Council approved a \$200,000 placeholder for the Final Budget for the purpose of a Recreation Center Master Plan Study. Staff met with the Infrastructure Subcommittee on June 7, 2016 to define the proposed components of the study. The Budget was adopted on June 20, 2016, and on July 18, 2016 City Council authorized staff to move forward with a Recreation Center Master Plan Study, appointing an Ad Hoc Subcommittee made up of City Council, City staff and members of the public.

The Ad Hoc Subcommittee met on September 13, 2016. At that meeting, City staff was instructed to move forward with bringing this update to the City Council to confirm policy direction, outreach strategies and timeline for community outreach.

## ANALYSIS

City staff and the Ad Hoc Subcommittee members were unanimous in the belief that demographic analysis and community input are essential to the long-term success of the project. A demographic analysis will allow the City to plan spaces that will be flexible enough to meet future needs, and community input that will provide a platform for understanding current recreation needs.

The City Manager recommended, and the Ad Hoc Subcommittee concurred, that the level of analysis and interaction that will be needed to elicit the information to create a fully functional Recreation Center Master Plan that will serve current and future needs requires the involvement of a recreation planning facilitator. With the concurrence of the Ad Hoc Subcommittee, the City Manager acted within his authority to engage RJM Design Group, Inc. to help guide the outreach process, most specifically the targeted group outreach effort. The Facilitator's Scope of Work is included as Attachment A to this report.

The following public meetings have been identified for the Recreation Center Master

#### Plan Phase I (Public Outreach):

- November 2, 2016 Parks and Recreation Committee
- December 1, 2016 Planning Commission
- January 14, 2017 Community Meeting

In addition to public meetings, the Ad Hoc Subcommittee expressed interest in utilizing the following additional methods to receive public feedback, which the Facilitator will also guide:

- Public Survey (utilizing Foster City Forum)
- Targeted User Group Questionnaire
- Focus Groups
- Key Stakeholder Interviews

The online survey tool will be used as well to collect public input. The anticipated survey release date is October 18, 2016. City staff will utilize the attached Communications Plan to encourage members of the public to provide feedback on the Recreation Center Master Plan Study (Attachment B).

#### FISCAL IMPACT

As discussed in the Analysis section of this report, the City Manager has authorized an agreement with RJM Design Group, Inc. to facilitate the outreach and needs assessment elements of this process. There may be minor costs (not more than \$5,000) associated with implementing the Communications Plan to encourage members of the public to provide feedback through the various communication tools. There is no additional fiscal impact related to this report.

#### Attachments:

- Attachment A - RJM Design Group, Inc. Scope of Work
- Attachment B - Recreation Center Master Plan Phase I Communication Plan

SCOPE OF WORK  
FOR  
RECREATION CENTER COMMUNITY OUTREACH MEETING FACILITATION

General Project Description: Assist the City Staff in developing a consensus vision for the development of this project and preparation of a Community Engagement Plan, based upon discussion with staff and experience with similar projects.

In collaboration with the City's Project Manager, Consultant Team shall review, elaborate upon, and clarify the overall objectives for the project and verify the expected goals and criteria to be met within each phase of services. During this review, determine appropriate procedures to promote efficient working relationships and communication among all participants who need to interact with the Consultant Team.

**PHASE 1 – PROJECT INITIATION**

A. Kick-Off Meeting with the City

Discuss project intent, scope, approach, issues, review questionnaire topics and schedule. Review request for existing documents (to be provided by the City) pertaining to the work, including existing base information such as:

- § Site plans and floor plans of existing recreation center facility, if available
- § List of potential “partner” organizations and/or stakeholder groups.

B. Document Review

Review reference materials and documents pertinent to this project, as provided by the City. This includes but is not limited to the following:

- § Recreation Center existing facility usage data
- § Population growth projections
- § Existing plans
- § Studies and Reports
- § Program information and participation
- § Capital improvement plans and budget
- § City Demographic information
- § Housing and population data
- § Other pertinent material

- C. Update preliminary project schedule for City review.

*Meetings: (1) Kick-off meeting with City Staff*

*Deliverables: Preliminary Schedule; Meeting Agenda/Minutes; Document Data Base*

## **PHASE 2 – COMMUNITY CENTER NEEDS ANALYSIS**

### **A. Demographic Analysis**

Understanding the recreation programs and facilities preferences of users and residents first depends upon an understanding of the City population and its demographic characteristics. We will prepare an analysis of the existing City's demographic makeup (2013 American Community Survey) and compare it to previous data (2010 and 2000 Census) to determine shifts in demographic makeup that might impact recreation center usage patterns or recreation programming.

Today's decisions regarding recreation facilities and programs need to accommodate both population growth as well as change in demography. The historical City-wide data will be analyzed and projections of future population will be prepared using information and input from other agencies and City staff. This evaluation will provide estimates of the current population base and projections of future growth.

Detailed demographic data regarding such variables as age, presence of children, ethnicity, household size, and income characteristics will be analyzed in order to identify special populations such as seniors, teens, preschoolers, etc. for use in the recreation center needs analysis.

### **B. Community Engagement**

In response to the goal to identify and prioritize the type of services and amenities the community desires for inclusion as part of a renovated recreation center, a body of work is envisioned to:

- § Provide opportunities for the community to participate, share issues and concerns regarding improvements to community center facilities and services.
- § Foster synergistic public dialogue regarding expectations, solutions and vision for community center facilities and services.
- § Create a pathway for the community to author recommendations regarding program and facility priorities.

Each task provides building blocks for assessing existing and future need for programs and facilities and the role the new community center may play in supplying that need. We propose to work closely with City staff to organize and define the approach to be used in this process. City staff will be responsible for the notifications for interviews and focus groups, promotion of the workshop, facility and equipment coordination, and provision of staff assistance. Staff training will be provided by consultant team relative to how to work with groups to scribe and/or facilitate individual groups. Number of staff needed is coordinated with consultant team no less than two (2) weeks prior to the event.

1. Recreation Center User Questionnaire

Soliciting the attitudes and desires of Recreation Center users is an essential element in the process. This questionnaire can achieve the objective of outreach to these users, providing valuable information regarding facility usage, program usage, expectations, and satisfaction that is most important in an understanding of need. The Consultants will provide a questionnaire form, containing information relevant to the usage of the existing community centers and program venues (pdf form-field input format so that it can be completed online). The staff will be responsible for distributing digitally and/or reproducing the paper questionnaire form, distributing, and encouraging users to complete and return the questionnaires in a timely fashion. The responses would then be tabulated by the City and analyzed by the Consultants.

Two (2) Video Conferences via Go-To-Meeting have been included in our proposal to coordinate the development of the Questionnaire and review the resulting tabulation.

2. Focus Group

The Consultant will meet with City staff prior to commencement of the focus group. The use of focus groups is a method to engage individuals in an interactive dialogue process. Focus groups provide effective interaction in determining the desires of specific population groups in more detail than possible in a large group or one-on-one setting. These groups may include representatives from public agencies, public safety, non-profit community agencies, business leaders, faith-based organizations, special interest groups, or others. The Consultant Team will facilitate two (2) focus groups for 15 to 20 participants to elicit comments, identify issues, concerns, and current or emerging community center facility or program needs. Focus group meetings to be held on the same day.

One (1) Video Conference via Go-To-Meeting has been included in our proposal to review the results of the focus group.

3. Community Workshop I

The Consultant Team will meet with City staff to prepare for and conduct two (2) community workshops to determine how recreation activities and programs, can best be supported by the renovated recreation center. Each workshop will be inclusive, for up to an estimated 100 participants. We recommend using existing City website and email database to e-blast residents to advertise for workshops, and EventBrite to manage the RSVP signups to accomplish a good estimate of attendees. This allows for a reasonable first-come first-served approach to manage workshop size and predict attendance.

Workshop I will reflect the community input from the focus groups, and the questionnaire, summarize the community engagement process, and seek broader public comment regarding wants and prioritization of needs for both recreation programs and facility amenities/size list.

Through a “bubble diagram” exercise, we will engage the community in prioritizing how the space available at the existing site will be allocated among desired programming, services, and facility amenities (while also quantifying and incorporating administrative space requirements into overall calculations based on recognized best management practices and existing staffing levels).

One (1) Video Conference via Go-To-Meeting has been included in our proposal to review the presentation results of Workshop No. 1.

4. Feedback Workshop

a. Presentation

Prepare Prezi or PowerPoint outlining summary, findings, and recommendations from previous tasks including the focus groups, community workshop process and City direction.

One (1) Video Conference via Go-To-Meeting has been included in our proposal to review the presentation for Feedback Workshop.

b. Feedback Workshop

Meet with staff and conduct a feedback workshop with participants from workshop #1 to present the summary information including bubble diagram alternatives and consensus diagram.

*Meetings: Three (3) Go-To-Meetings with Consultants/Staff  
Two (2) Optional Go-To-Meetings with Task C1  
Questionnaire  
Three (3) Meetings with City Staff one (1) prior to each of the  
following:*

- Focus Groups*
- Community Workshop I*
- Feedback Workshop*

*Deliverables: Community Center User Questionnaire Form  
Community Center User Questionnaire Summary  
Focus Group Agenda and Activities  
Focus Group Summary  
Community Workshop Agenda and Activities  
Community Workshop Summary  
Prezi or PowerPoint outlining workshop process and results  
Feedback Workshop Facilitation*

### **PHASE 3 – RECOMMENDATIONS**

Assist the Staff with development of preliminary recommendations based on input received and potential building components and site selection.

- A. Prepare a draft report that presents the analysis and findings of previous tasks.
  1. Provide demographic analysis and findings.
  2. Identify community interests from focus group and community questionnaires regarding the implementation of new programs, services, and available facility amenities within a new community center.
  3. Prioritize desired program, service and facility amenities wants and needs from input from previous tasks and feedback workshop.
  4. Identify recommendations/next steps for how City Staff can utilize data collected to further engage the community, capture and further quantify such data for integration into the future facility design phase.
- B. Conduct Video Conference via Go-To-Meeting with Staff to review draft Report.

Based upon the input received from the community workshop the RJM Team will provide one bubble diagram floor plan/site plan illustrating room space allocation and site relationships for City Review. This bubble site plan diagram floor plan will be for a specific site as determined by the City, and is intended to

identify the relationship between various rooms, potential conflicts, acoustical concerns, surveillance, management issues, and site relationships. No other form of drawings will be provided such as elevations, site plans, sections, etc. The preliminary opinion of probable construction cost will be given as a square footage cost only and will be based on experience with similar projects.

- C. Meet with Staff to present and discuss preliminary conceptual plan recommendations.
- D. Refine concept plan as directed by Staff. Prepare preliminary opinion of probable construction costs based upon square foot unit price averaging for recreation centers in the greater Northern California Bay Area.
- E. Upon receipt of one set of non-conflicting comments from the City, we will prepare a final report and recommendations synthesizing all the information from the draft report into a final document that presents the needs, priorities and strategies for meeting those needs.
- F. Conduct video conference via Go-To-Meeting with staff to review final document.

*Meetings: Two (2) Video Conference Meetings with City Staff  
One (1) Meeting with City Staff*

*Deliverables: Community Center Bubble Diagram/Conceptual Site Plan  
Draft/Final Report*

### **ASSUMPTIONS – CITY RESPONSIBILITIES**

- A. City of Foster City will provide outreach advertising, facility reservations and coordination of outreach efforts.
- B. City of Foster City Staff will prepare a preliminary conceptual matrix or summary of the rooms and their functions that are anticipated to be included in the renovated recreation center. RJM will assist the City in determining the functional requirements that will be needed to support these spaces such as parking, restrooms, mechanical rooms, corridors, exits, etc.



## City of Foster City Recreation Center Master Plan Phase I Communication Plan

Review Draft | October 17, 2016



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# 1. Introduction

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The Recreation Center Master Plan, is a strategic analysis of how the existing Recreation Center fits into and fulfills community recreation needs, specifically considering how an upgrade or rebuild of the facility would serve as both current and future needs.

The evaluation of public recreation centers and the purposes they serve in their communities is happening nationwide as there is a growing interest for upgraded and improved community spaces to integrate with other existing recreational assets to provide significant benefits to the City and it's residents for many years to come. To assess the scope and potential benefits will require a significant research and public outreach effort. Recreation Center Master Plan Phase I is the research and public outreach effort.

RJM Design Group has been engaged to lead the Phase I needs analysis and outreach efforts in coordination with the Ad Hoc Community Steering Committee, which is composed of members of the City Council, Staff and public.

## 2. Communication Objectives

---

The goal of this Plan is to create the opportunity for a proactive, productive and sustained public information and involvement process. Strategic communication objectives may evolve with the Project. Communication efforts are intended to:

- Identify target stakeholder groups and techniques that are best suited to each group
- Provide regular communication to generate awareness about the Recreation Center facility – required investment for improvements and ability to create maximum utility for the community
- Develop public understanding of a correlation between the project, its potential fiscal impacts and recreation services and programs opportunities.
- Establish opportunities for an open dialogue with the community, collaboration with partner agencies, the local business community, interest groups and interested organizations.
- Educate the community about the evolving role of parks and recreation in responsible management of local parks and recreation quality and public benefit.
- Create a feedback mechanism to ensure the Parks and Recreation Department is responsive to community questions and concerns.

## 3. Project Challenges and Opportunities

---

### 3.1 Challenges

Recognizing potential Project challenges allows the project team to begin to identify appropriate strategies to successfully address challenges and complete projects. Challenges identified thus far include:

- **“Visible Infrastructure.”** Hundreds of people use the Recreation Center every day, making potential changes to the facility extremely visible to the public – creating both interest and programmatic impacts.
- **Limited Outreach Resources.** Fiscal and staffing resources with which to do outreach are limited, making strategic use of resources on efforts that will produce the most quantitative and qualitative results essential.
- **Lack of Community Understanding of Process.** There will likely be concern by the public over the amount of time that is needed to complete the project.
- **Community Perceptions on Growth and Development.** There is a segment of the community that supports growth and development and another segment that is less favorable to building more in the community that has the potential to draw additional people into Foster City.

### 3.2 Opportunities

Recognizing opportunities allows the PMT to begin identifying strategies to help overcome challenges and to achieve outreach goals. Initial identified opportunities include:

- **Educated Community.** Foster City’s well-educated community members will likely understand the connection between public recreation assets and Community prosperity, the importance of the process requirements of the project, the importance of upgrading the facility, and long-term environmental benefits that can come of the project.
- **Political Support.** The Project has already received significant support from the City Council and the Parks and Recreation Committee.
- **Recreation in a Greater System Context.** The Recreation Center exists within a greater Recreation context that includes programming, park space, other City programs and other Regional recreational public and private amenities. The Recreation Center Master Plan provides an opportunity to enhance the recreational landscape for the public but not duplicate existing public and private amenities in the area.
- **Partnership.** Having the discussion of community assets and the potential to bring other partners to the table to contribute to the development and/or programming of an enhanced Recreation Center provides potential funding, programming, and resource sharing opportunities.

## 4. Audiences

---

Diverse individuals and groups are likely to be interested in this Project. The following audiences have been identified as the focus for the Project, and could evolve over time.

### **“Internal” (City of Foster City)**

- City Council
- Executive Leadership Team (Department Heads)
- Employees (all, but especially Parks and Recreation Department)

### **“External”**

- Parks and Recreation Committee Members
- Recreation Center Users
- Foster City Property owners/Residents
- Other Recreation Professionals (neighboring cities)
- Other Recreation Providers (Foster City private organizations)
- Organized community groups (civic organizations, homeowners associations, faith-based organizations, multicultural groups, sports and fitness clubs, and youth groups)
- Foster City employers and business development interests (businesses, chambers of commerce, economic development organizations)
- Schools/youth organizations
- Vendors, contractor teachers, concessionaires

## 5. Strategies and Tactics

---

### 5.1 Project Identity and Recognition

To maintain Project identity and integrity, project team members shall take care that all documents or web materials related to the project maintain consistency between titles, names and terminology.

- **Project Name:** Recreation Center Master Plan (Phase I).
- **Website:** A dedicated Project webpage shall be developed and continually updated as the primary source of information for stakeholders and the media. The site will include project information, materials, presentations, video clips, summaries of input received, interactive opportunities to comment on project elements, ask and track questions and responses, allow for feedback during milestone stages of the Project and other useful tools to raise awareness. (Attached)
- **Social Media.** The City's available Social media networks will be used to provide basic project information, status updates, project information, and announcements and to rapidly respond to comments or questions and dispel myths and misinformation.
- Visuals Library
- Photographs, maps, graphics and other images will be strategically used in informational materials.

### 5.2 Data Collection/Research

The primary focus of Phase I of the Recreation Center Master Plan project is to gather demographic trend data and stakeholder feedback. This feedback will be gathered by the Project Management Team and its facilitative consultant using any combination of the following methods and other methods that may be identified through the course of the project:

- Conduct one-on-one interviews with community leaders, representatives from partner agencies and other stakeholders.
- Conduct public opinion research through an online survey.
- Meet with established user groups and / or community groups in "focus group" setting.
- Meet with City committees and commissions.
- Conduct literature review (articles, documents, reports, surveys, other agencies' projects) for "best practice" themes.

### 5.3 Stakeholder Roles

<b>City Council, City Manager and Parks and Recreation Director</b> will confirm key project information	<ul style="list-style-type: none"><li>• Provide project information and updates to internal audiences</li><li>• Encourage and facilitate two-way communication about the Project among staff and the consultant team</li><li>• Inform key internal audiences about Project status, especially those that report to City council, committees and commissions</li></ul>
<b>RJM Design Group</b> will facilitate data and feedback gathering	<ul style="list-style-type: none"><li>• Facilitate one-on-one stakeholder interviews, Focus Group discussions, and community meetings</li><li>• Conduct needs/best practices analysis</li><li>• Develop outreach trend findings</li><li>• Make presentations to Steering Committee and Council</li></ul>

<b>City Staff</b> will refine key facts and Project objectives and messages	<ul style="list-style-type: none"> <li>• Provide project information and updates to internal audiences</li> <li>• Encourage two-way communication about the Project among staff and the Project team</li> </ul>
<b>Ad Hoc Community Steering Committee</b> will guide outreach efforts	<ul style="list-style-type: none"> <li>• Participate in meetings</li> <li>• Act as project advocate in presentations and meetings with members of the public</li> </ul>
<b>Community Groups / Community Leaders</b> will be invited to act as Project Advocates	<ul style="list-style-type: none"> <li>• Enhance or establish relationships in the community through presentations and attending/ sponsoring community events</li> <li>• Create a two-way dialogue to share project information and updates, and learn about potential concerns</li> <li>• Provide timely information to spread to their constituencies, through their communication channels</li> </ul>
Business Leaders will be invited to serve as project advocates	<ul style="list-style-type: none"> <li>• Keep business groups and associations informed about the purpose and need for the Project</li> <li>• Invite business community input on the Project</li> </ul>

**The following activities may be undertaken as needed to reach audiences (specific activities and timelines are included in the appendix to the plan).**

- **City council briefings:** A one-on-one interaction at the beginning of the Project to allow council members to ask clarifying questions and provide initial feedback.
- **Informational materials:** Electronic updates and informational materials including fact sheets, FAQs, flyers/brochures, videos, white papers, background papers and “quick facts cards” for employees.
- **Presentations:** Progress presentations at key milestones.
- **Staff reports.** Updates on public outreach activities and progress.
- **Conduct surveys:** Comment cards/feedback forms/questionnaires distributed electronically or by hard copy.
- **E-newsletter:** Foster City Current is distributed to subscriber group monthly.
- **Social media:** Interaction on various channels including Facebook, Twitter, Instagram, NextDoor.
- **Website:** Specific page on the City’s site dedicated to this project.
- **Community meetings:** Forums that give community members the chance to learn more and ask questions.
- **Events:** Groundbreakings, dedication events and tours.
- **Display advertisements:** Display advertisements can be developed to publicize public involvement opportunities and links to online resources.
- **Interested parties letter:** Direct mail letters updating interested parties.
- **Civic and Business organization participation:** Presentations to civic and business groups of which Staff are members.

## 6. Phase I Event Calendar Outreach

### Messages:

- City is conducting a study of the current Recreation Center to determine whether it meets current and future community needs.
- Part of this assessment is determining the priority that the Community places on various activity spaces.
- Enumeration of the methods for providing input (meetings, forum/survey, etc.)

### Suggested Calendar of Events:

October 18 (Tuesday)	Foster City Forum Survey Opens
November 2 (Wednesday)	Study session at Parks and Recreation Committee meeting
December 1 (Thursday)	Discuss with Planning Commission
January 14 (Saturday)	Community Meeting
January 16 (Monday)	Foster City Forum Survey Closes
To Be Scheduled	One-on-One Meetings with City Council Members
To Be Scheduled	Focus Group Meetings (2)

The above Calendar of Events will be initially publicized in the following manner (each public meeting will be publicized utilizing appropriate means, depending upon the invitees and meeting needs):

Who	What
City Staff (PR and CM)	Newspapers: <ul style="list-style-type: none"> <li>• Islander</li> <li>• Daily Journal</li> <li>• Examiner</li> </ul>
City Staff (PR)	Foster City Website
City Staff (PR, CDD, Fin, Clerk and CM)	City Email Lists <ul style="list-style-type: none"> <li>• Press Release Email List</li> <li>• Council Email List</li> <li>• Planning Commission Email List</li> <li>• Land Use and Circulation Email List</li> <li>• Utility Customer Email List</li> <li>• Parks and Open Space Email List</li> <li>• Committee Member Email List</li> </ul>
City Staff (PR and CC)	Foster City Monthly Current Newsletter
City Staff (PR and CC)	FCTV Bulletin Board
City Staff (PR and CC)	Social Media <ul style="list-style-type: none"> <li>• City Facebook, Twitter, NextDoor</li> <li>• Parks and Recreation Department Facebook, Twitter, NextDoor</li> </ul>
City Staff (PR)	Marquee
City Staff (PR and CC)	Video (post to website and FCTV)

Who	What
City Staff (PR)	Flyers
City/RCMPSC	Letters / Meetings / Presentations <ul style="list-style-type: none"> <li>• Homeowners Associations</li> <li>• Chinese Club</li> <li>• Filipino-American Association of Foster City</li> <li>• Baybasi</li> <li>• Foster City Association of Black Residents</li> <li>• Foster City Parents' Club</li> <li>• Service Clubs</li> <li>• Youth Sports Groups</li> <li>• Religious Organizations</li> </ul>
City Staff (PR)	The Guide
City Staff (PR)	Senior Expressions Newsletter
RCMPSC	Recreation Center Display Case
City Staff (PR and PD)	Neighborhood Watch
City Staff (PR and FD)	CERT
City Staff (PR and Fin)	Utility Bill Inserts and "One Liner"

## 7. Future Phases

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Following the conclusion of the Public Outreach Phase (Phase I), the City Council will determine “next steps” in the Recreation Center Master Plan process, which could include remodel/renovation of the existing facility, construction of a new facility or other options that could be identified as part of the Phase I outreach process.



## Recreation Center Master Plan Project



9.2 - 22

### Project Description

The City Council authorized a Recreation Center Master Plan Study as a component of the Fiscal Year 2016-2017 budget and established an Ad Hoc Steering Committee to guide a needs assessment. The needs assessment will include an extensive public outreach component as a first step in developing a Recreation Center Master Plan that will identify the issues and estimated costs associated with improving the existing recreation center or constructing a new recreation center to address the current and future recreation needs of the community. The findings of this study will serve as the basis for adding the project to a 5-Year Capital Improvement Program to be funded in the future.

### What Has Occurred To Date and Future Project Time Line

Below is a preliminary timeline which may change and will be updated accordingly. Meetings and related documents are linked below.

For more information about this project contact Jennifer Liu, Parks and Recreation Director at (650) 286-3390 or [jliu@fostercity.org](mailto:jliu@fostercity.org)

Follow this Link to Access the [FAQ Page](#).

To subscribe: Follow the link to the [Foster City Current](#) and [Business e-Newsletters](#).

- [January 25, 2016](#) - Discussed as an infrastructure priority at the City Council Annual Policy Retreat
- [March 28, 2016](#) - City Council Budget Study Session
  - [Report](#)
  - Feasibility Study for Recreation Center Improvements
  - Scope of Work
- [June 20, 2016](#) - Fiscal Year 16-17 Budget adopted with placeholder budget (\$20,000) for Recreation Center Master Plan Study
- [July 18, 2016](#) - City Council Study Session on Recreation Center Development
  - [Report](#)
  - Recreation Center Scoping Study Process Development
  - Public Spaces Model
  - Alignment with City Council Priorities

- Defining and Approving Process
- RFP Overview

- October 17, 2016 - City Council meeting to Approve the Community Outreach Plan
- October 18, 2016 - Foster City Forum on Recreation Center Development Opens
- November 2, 2016 - Parks and Recreation Committee Public Meeting on the Recreation Center
- December 1, 2016 - Planning Commission Public Meeting on the Recreation Center
- January 14, 2017 - Community Workshop
- February 20, 2017 - City Council meeting to Present Community Outreach Findings / Receive City Council Policy Direction
- October 16, 2017 - City Council meeting to Receive Policy Direction to Rebuild or Refurbish Recreation Center (Meeting contingent on if direction had already been given in the previous council meetings)



## Recreation Center Development FAQ

1. What's wrong with the current Recreation Center? Why make changes now?
2. How much will the improvements/change to the center cost?
3. How will the project be funded? Will this affect my taxes?
4. How long will the project take? Is there a project timeline?
5. How will the residents or businesses of Foster City be impacted during the construction process? Noise? Traffic?
6. How will normal recreation activities (classes, programs, services etc.) be affected?
7. What are the proposed changes to the Recreation Center?
8. Will I get a say in any changes?
9. Where can I learn more about the project?

### 1. What's wrong with the current Recreation Center? Why make changes now?

The current Recreation Center is over 47 years old and has undergone multiple major renovations. The facility requires significant roof work and may not meet the expectations of the community in its capacity as an emergency shelter. The building spaces have served the City well but may not be flexible enough to meet the future recreation needs of a changing Foster City demographic.

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### 2. How much will the improvements/change to the center cost?

Phase I of the Recreation Center Master Plan Project Phase is an outreach and needs analysis phase. The data that is gathered in Phase I will dictate the recommended next steps which could include renovation or expansion of the existing facility, a complete rebuild of the facility in the current location or other options. The cost of the project cannot be forecast until the scope of the project is studied and decided. The cost will be estimated when more information is available.

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### 3. How will the project be funded? Will this affect my taxes?

Available funding mechanisms will be identified when costs are better understood. Any direct assessment to taxpayers will be approved by voters as required by law.

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#### 4. How long will the project take? Is there a project timeline?

Phase I (needs assessment and outreach) is planned through February 2017. Future phases will be defined based on the City Council's direction for the project based upon the findings from Phase I.

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#### 5. How will the residents or businesses of Foster City be impacted during the construction process? Noise? Traffic?

There are always impacts associated with construction activities. Until the scope of the project is defined, the extent of disruption cannot be determined.

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#### 6. How will normal recreation activities (classes, programs, services etc.) be affected?

Continuity of Recreation programming will be a high priority for the City regardless of the scope of the project. Continuity plans will be developed when the scope of the project is finalized.

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#### 7. What are the proposed changes to the Recreation Center?

The goal of the Recreation Center Master Plan Phase I is to gather information about the future trends in Recreation services and the needs of the community for Recreation programming. Between now and February 2017, we encourage all residents to be part of the conversation that will define what changes are recommended for the City Council to consider.

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#### 8. Will I get a say in any changes?

The goal of the Recreation Center Master Plan Phase I is to gather information about the future trends in Recreation services and the needs of the community for Recreation programming. Between now and February 2017, we encourage all residents to be part of the conversation that will define what changes are recommended for the City Council to consider.

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#### 9. Where can I learn more about the project?

The City has set up a webpage with reference information and a schedule of upcoming meetings. Go to [this page](#) for more information.

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DATE: October 17, 2016

TO: President and Members of the Estero Municipal Improvement District (EMID) Board of Directors

VIA: Kevin M. Miller, District Manager

FROM: Jeff Moneda, Public Works Director/City Engineer

SUBJECT: WATER AND SEWER CONNECTION FEES NEXUS STUDY

---

### RECOMMENDATION

It is recommended that the EMID Board of Directors by Minute Order receive and accept the attached nexus study for Water and Sewer Connection Fees.

### EXECUTIVE SUMMARY

The Public Works Department recently hired HF&H Consultants, LLC (HF&H) to conduct a nexus study for all future water and sewer connections, associated with new construction, in the City of Foster City. Based on the results of the nexus study, an increase in water and sewer connection fees is recommended. With the proposed connection fees, the City of Foster City will be able to recover its initial infrastructure construction costs and subsequent maintenance costs that ratepayers have incurred to provide capacity for future connections.

### BACKGROUND AND ANALYSIS

As part of the Financial Audit conducted last year, it was determined that a nexus study was necessary to validate all current fees for new water and sewer connections in the City of Foster City. The Public Works Department hired HF&H to prepare a nexus study to calculate the required connection fees for new water and sewer connections. Typically, the connection fees are associated with new development construction.

The new report, dated July 18, 2016, updates the City's water and sewer connection

fees based on the current value of capacity that benefits new connections to the City. The update recommends a change in the fee structure to improve equity and consistency with the rate structures for water and sewer service. The report describes the methodology, summarizes the connection fees, and provides a comparison with neighboring jurisdictions.

### **Current Connection Fee Structures**

The City's current water and sewer connection fees are charged to single-family and multi-family connections on a per dwelling unit basis and charged to commercial connections based on the square footage of the building. No documentation exists for the derivation of the District's current connection fees, thus necessitating the preparation of the subject nexus study.

### **Recommended Sewer Connection Fee Structure**

The updated sewer connection fee will recover flow-related costs associated with the collection system and recover treatment plant capacity costs, which introduce the strength of sewer as a condition of cost allocation. Based on the analysis conducted by HF&H, it is recommended that all customer classifications be charged by Equivalent Dwelling Unit (EDU). Residential customers would be charged per EDU based on the number of dwelling units. Commercial customers would be charged per EDU based on their estimated indoor water use and a strength factor for low, medium, and high strength sewer discharge. The use of strength factors for commercial customers would replace the use of square footage in calculating sewer connection fees.

### **Recommended Water Connection Fee Structure**

The City's current water connection fee structure was patterned after the current sewer connection fee structure whereby residential connection fees are based on dwelling units and the commercial connection fees are based on square footage. For metered water systems, the industry practice is to derive connection fees based on the size of the service connection, which is a direct measure of the capacity that is provided. It is recommended that all customers be charged based on the size of the meter for the property.

The recommended water and sewer connection fees are included in the attached Water and Sewer Connection Fee Update Final Report, Figure 1-1. There is a significant increase which would only be charged to new development projects that are not currently entitled with development agreements. It is recommended that the proposed fees be included with the Fiscal Year 2017-2018 User Fees.

### FISCAL IMPACT

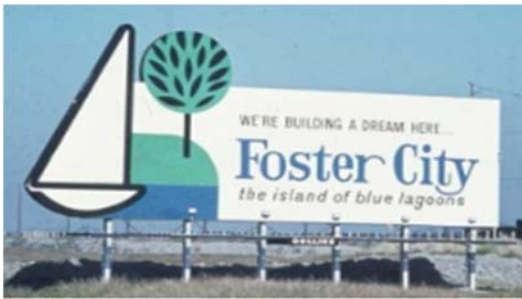
An increase in water and sewer connection fees would result in an increase in revenue of the recovery of costs for connections to the existing water and sewer infrastructure.

Attachment:

- Water and Sewer Connection Fee Update Final Report

# CITY OF FOSTER CITY

## WATER AND SEWER CONNECTION FEE UPDATE



July 18, 2016

FINAL REPORT



HF&H Consultants, LLC



# **CITY OF FOSTER CITY**

610 Foster City Blvd.  
Foster City, CA 94404

## **WATER AND SEWER CONNECTION FEE UPDATE**

FINAL REPORT

*July 18, 2016*

### **HF&H CONSULTANTS, LLC**

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Walnut Creek, CA 94596



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## HF&H CONSULTANTS, LLC

*Managing Tomorrow's Resources Today*

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Robert C. Hilton, CMC

July 18, 2016

Mr. Jeff Moneda  
Public Works Director  
610 Foster City Boulevard  
Foster City, CA 94404

### **Subject: Water and Sewer Connection Fee Update – Final Report**

Dear Mr. Moneda:

HF&H is pleased to submit this draft connection fee report to the City of Foster City for its review and comment. The report updates the City's water and sewer connection fees based on the current value of capacity that benefits new connections to the City. The update recommends a change in the fee structure to improve equity and consistency with the rate structures for water and sewer service. The report describes the methodology, summarizes the connection fees, and provides a comparison with neighboring jurisdictions.

Very truly yours,

HF&H CONSULTANTS, LLC

John W. Farnkopf, P.E., Senior Vice President  
Richard J. Simonson, C.M.C., Vice President



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Appendix A.	Sewer Facilities Valuation
Appendix B.	WWTP Debt Service Schedule
Appendix C.	Water Facilities Valuation
Appendix D.	Commercial Wastewater Strength Categories

## ACRONYMS

CIP	Capital Improvement Plan
BOD	Biochemical Oxygen Demand
EDU	Equivalent Dwelling Unit
EMU	Equivalent Meter Unit
ENR CCI	<i>Engineering News Record</i> Construction Cost Index
FY	Fiscal Year
GPD	Gallons per Day
PAYGo	Pay-As-You-Go, a form of capital financing derived from equity and reserves as opposed to from borrowed funds
RCN	Replacement Cost New
SRF	State Revolving Fund, a potential source of low-interest loans
SWRCB	State Water Resources Control Board
TSS	Total Suspended Solids

## ACKNOWLEDGEMENTS

### City Staff

Jeff Moneda, Public Works Director

### HF&H Consultants, LLC

John Farnkopf, Sr. Vice President

Rick Simonson, Vice President

**CITY OF FOSTER CITY**

**WATER AND SEWER CONNECTION FEE UPDATE**





## I. EXECUTIVE SUMMARY

New development connecting to the City of Foster City's (City's) water and sewer systems is charged a one-time connection fee at the time of connection. The connection fee is based on the reasonable cost of capacity per service connection. The reasonable cost is derived based on the value of facilities that provide capacity for growth. This report updates the City's water and sewer connection fees.

### FINDINGS AND RECOMMENDATIONS

- 1. Current connection fee structures.** The City's current water and sewer connection fees are charged to single family and multi family connections on a per-unit basis and charged to commercial connections based on a per-square-foot-of-land basis for a water connection and on a per-square-foot-of-building basis for a sewer connection. No documentation exists for the derivation of the District's current connection fees.
- 2. Recommended sewer connection fee structure.** The City's current sewer connection fee is appropriate for recovering flow-related costs associated with the collection system. However, the updated connection fee will also recover treatment plant capacity costs, which introduce the strength of wastewater as a condition of cost allocation. In order to improve the proportional allocation of not only flow but also strength differences among customer classes, it is recommended that the sewer connection fee structure be modified to charge per Equivalent Dwelling Unit (EDU<sup>1</sup>), including commercial customers.

Single family and multi family connections would be charged per EDU based on the number of dwelling units. Commercial customers would be charged per EDU based on their estimated indoor water use and a strength factor for low, medium, and high strength sewer discharge. The use of strength factors for commercial customers would replace the use of square footage. This recommended structure is consistent with the sewer service charge structure.

- 3. Recommended water connection fee structure.** The City's current water connection fee structure was apparently patterned after the current sewer connection fee structure whereby single and multi family connection fees are

---

<sup>1</sup> The Equivalent Dwelling Unit (EDU) relates multi family and commercial connections to an equivalent single family residential connection, based on the ratio of estimated average daily water use and strength of sewer discharge to the estimated average daily water use and strength characteristics of a single family residence.

based on dwelling units and the commercial connection fees are based on square footage. Such a structure is appropriate for unmetered water systems. For metered water systems, the industry practice is to derive connection fees based on the size of the service connection, which is a direct measure of the capacity that is provided.

In order to simplify and standardize the calculation of fees, we recommend charging all customers based on an Equivalent Meter Unit (EMU) basis instead of the current dwelling unit basis for single family and multi family customers and per-square-foot basis for commercial customers. An EMU represents the capacity of the smallest meter size available, a 3/4" meter. Larger meters equal more EMUs depending on how their rated capacities compare with one EMU. An EMU-based structure aligns the connection fee with the capacity provided by the size of the meter installed. Such a structure is also consistent with the City's water rate structure.

4. **Proposed fee calculation methodology.** The proposed connection fee is based on what is known as the Replacement Cost New method, which fully recovers growth's share of the cost of capacity. The cost of capacity is based on today's cost of constructing the facilities. These facilities provide capacity for existing customers as well as for an increment of growth. Dividing the cost of capacity by the associated capacity yields the cost per connection, which represents the connection fee.
5. **Proposed connection fees.** Figures 1-1 and 1-2 summarize the current and proposed sewer and water connection fees, respectively. It can be seen that the current connection fees have not kept pace with full cost recovery. These proposed sewer connection fees are over three times higher and these proposed water connection fees are over five times higher than the City's current connection fees. With the proposed connection fees, the City recovers its initial construction costs and subsequent maintenance costs that rate payers have incurred to provide capacity for future connections.

**Figure 1-1. Current and Proposed Sewer Connection Fees**

Customer Class	Current	Proposed
	Fee per Connection	Fee per Connection
Single Family	\$2,100 per dwelling unit	\$7,394 per dwelling unit (= 1 EDU)
Multi Family	\$1,313 per dwelling unit	\$4,621 per dwelling unit (= 0.625 EDUs)
Commercial	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>\$0.75</b> per sq. ft. of building area; regardless of strength </div>	\$7,394 per EDU (as calculated below)
Low Strength		Low Strength EDUs = est. gpd <sup>[1]</sup> ÷ 200 <sup>[2]</sup> x 0.65 <sup>[3]</sup>
Medium Strength		Med. Strength EDUs = est. gpd <sup>[1]</sup> ÷ 200 <sup>[2]</sup> x 1.00 <sup>[3]</sup>
High Strength		High Strength EDUs = est. gpd <sup>[1]</sup> ÷ 200 <sup>[2]</sup> x 0.65 <sup>[3]</sup>

<sup>[1]</sup> est. gpd = Applicant's estimated gallons per day of indoor water use

<sup>[2]</sup> Equivalent to estimated gallons per day of single family indoor water use

<sup>[3]</sup> Strength factors based on baseline single family strengths of 240 mg/L of BOD and 240 mg/L of TSS

Each sewer customer class is charged on a per EDU basis. Single family residences are charged 1 EDU. Multi family residences are charged 0.625 EDUs per dwelling unit, as a result of their average water use being less than the average water use of a single family residence. Commercial connections are charged based on their estimated water use (gallons per day) and wastewater strength (low, medium, or high). Appendix D provides examples of wastewater strength classifications by type of business, which is based on the State Water Resources Control Board's *Revenue Program Guidelines*.

**Figure 1-2. Current and Proposed Water Connection Fees**

Customer Class	Current Connection Fee	Proposed: Any Customer Class	
		Meter Size	Fee per Connection
Single Family	\$1,929 per unit	3/4"	\$10,571
		1"	\$17,654
		1-1/2"	\$42,284
Multi Family	\$1,157 per unit	2"	\$56,344
		3"	\$123,365
Commercial	\$0.24 per sq. ft. of land	4"	\$221,994
		6"	\$493,354
		8"	\$845,690

The proposed water connection fees are charged based on the size of water meter installed and is the same for all customer classes.

6. **Implementation.** It is our opinion that the connection fees developed in this report are reasonable. Recognizing that the proposed fees (shown in **Figure 1-1** and **Figure 1-2**) represents large increases over the current fees, we recommend phasing in the proposed fees over a three-year period, beginning FY 2017-18.

**Figure 1-3. Proposed Sewer Connection Fees (3-year Phase In)**

Customer Class	Current Fee per Connection	Proposed (3 -year Phase-in) Fee per Connection		
		FY2017-18	FY2018-19	FY2019-20
Single Family	\$2,100 per dwelling unit	\$3,865	\$5,629	\$7,394
Multi Family	\$1,313 per dwelling unit	\$2,415	\$3,518	\$4,621
Commercial Low Strength Medium Strength High Strength	\$0.75 per sq. ft. of building area; regardless of strength	\$3,865	\$5,629	\$7,394
		per Equivalent Dwelling Unit (EDU) <sup>[1]</sup>		

<sup>[1]</sup> EDUs are calculated for low, medium, and high strength applicants in the same manner as shown in Figure 1-1

**Figure 1-3. Proposed Water Connection Fees (3-year Phase In)**

Customer Class	Current	Proposed: All Customer Classes (3-year Phase-in)			
		Meter Size	FY2017-18	FY2018-19	FY2019-20
Single Family	\$1,929 per unit	3/4"	\$4,810	\$7,690	\$10,571
		1"	\$8,032	\$12,843	\$17,654
		1-1/2"	\$19,239	\$30,762	\$42,284
Multi Family	\$1,157 per unit	2"	\$25,636	\$40,990	\$56,344
		3"	\$56,129	\$89,747	\$123,365
Commercial	\$0.24 per sq. ft. of land	4"	\$101,004	\$161,499	\$221,994
		6"	\$224,469	\$358,912	\$493,354
		8"	\$384,777	\$615,233	\$845,690

In addition, in order to maintain the connection fee in current dollars going forward, we recommend that the City annually update the connection fees by the percentage change in the *Engineering News Record* Construction Cost Index (ENR CCI), beginning July 1, 2020.

We recommend that the City conduct a new connection fee study every five years or whenever a new facilities master plan is prepared. In view of the major wastewater treatment plant upgrade, an update every five years is needed to incorporate the retired debt service.

## II. INTRODUCTION

### BACKGROUND

The City provides water service to approximately 8,000 residential, commercial, and industrial accounts through transmission and distribution facilities owned by the City. The City's potable water supply is provided by the SFPUC, which does not require additional treatment. The City provides sewer service to approximately 13,000 residential, commercial, and industrial accounts. The City owns and operates the collection system, which conveys customer wastewater to a treatment plant owned jointly by the City and the City of San Mateo.

### Current and Proposed Connection Fee Structure

Figure 2-1 summarizes the current connection fees.

**Figure 2-1. Current Connection Fees (by Customer Class)**

Customer Class	Water	Sewer
Single Family Residential	\$1,929 per dwelling unit	\$2,100 per dwelling unit
Multi Family Residential	\$1,157 per dwelling unit	\$1,313 per dwelling unit
Commercial	\$0.24 per square foot of land	\$0.75 per square foot of building area

Documentation for the current connection fees is not available. The structure is fairly simple. The multi family fee is a fraction (differing for water and sewer, but approximately 60%) of the single family fee, which is appropriate considering that multi family dwelling units are typically smaller than single family dwelling units. Commercial connection fees are based on square footage either of land for water or building area for sewer. Assuming all other factors are the same, the commercial connection fee to equate to 6,889 square feet of land for water and 2,800 square feet of building area.

The current fee structure appears to be based on estimated wastewater discharge for each customer class without reflecting differences in wastewater strength among the classes. In updating the connection fees, certain structural changes are proposed that will improve equity:

For water, the connection fee will be graduated in proportion to the capacity of the service connection. Service connection size is a direct measure of the capacity that is

provided and does not vary by customer class. The use of square footage is an indirect measure of the capacity that is needed and as a result may not be as equitable.

For sewer, the connection fee will be set to reflect differences in wastewater hydraulic loading and strength between the residential and commercial classes and, for the commercial class, among low, medium, and high strength connections. This structure will allow the cost of the WWTP to be equitably apportioned among the classes. The use of square footage for commercial connections is an indirect measure of the capacity that is needed and as a result may also not be as equitable. This structure will also be more consistent with the City's sewer service charge structure.

## CONNECTION FEES

Connection fees are a type of development impact fee that public agencies may impose as a condition of development under the authority of California Government Code Section 66000 et seq., the Mitigation Fee Act (Act). It is common for agencies that charge connection fees to give them names that denote their specific purpose. For purposes of this report, the Water Storage and Supply Fees are referred to simply as connection fees.

The purpose of connection fees is to ensure that development pays its fair share of the costs associated with providing system capacity. Connection fees are a one-time charge paid at the time the connection is made. The Act requires that "those fees or charges shall not exceed the estimated reasonable cost of providing the service". Because the Act does not prescribe a formula or procedure for determining "the estimated reasonable cost," it is the responsibility of the analyst to employ a method that yields a reasonable result.

The courts generally regard fees as being reasonable if they are not capricious, arbitrary, or discriminatory. Fees are capricious if there is no factual basis for the underlying data used to make the calculations. Fees are arbitrary if there is no logical rationale for choosing among alternatives. Fees are discriminatory if they disproportionately allocate costs to one class of service at the expense of another class.

The purpose of this report is to document that the conditions have been met to establish that the City's connection fees recover the reasonable cost of providing capacity.

## ANALYTICAL APPROACH

Three steps are required to determine the reasonable costs that can be recovered with connection fees: (1) facilities that benefit growth must be identified, (2) the cost of those facilities must be derived, and (3) the capacity provided by those facilities must be determined. The approach used in this report to address each of these steps is described below.

## Facilities That Benefit Growth

Connection fees are used to recover growth's fair share of the costs of existing facilities that were funded by rate payers and that provide capacity for growth. Because the City is largely built out, growth occurs as infill, which can occur anywhere within the service area. Hence, all of the facilities required to serve the City's current customers are the same facilities that provide service for growth. In effect, the City's current water distribution system and sewer collection, transmission, and treatment facility are each integral networks that can provide capacity for infill growth.

The connection fee also includes projected capital improvements that benefit growth over the next five years. Those future facilities are included with the existing facilities because five years is the typical period for which connection fees are set before another update should be conducted.

## Value of Facilities

The determination of reasonable costs begins by determining the value of the facilities. The value should reflect the original cost of constructing the facilities plus any subsequent costs incurred by rate payers to maintain the facilities so that they are capable of providing capacity for growth, when and if it occurs. A reasonable approach to determining this value is referred to as "replacement cost new" (RCN) by utility valuation specialists. RCN value represents the original cost escalated from the construction date based on construction cost inflation. In effect, the RCN value represents the cost to construct capacity today.

RCN value recovers the original cost of construction. RCN value also compensates rate payers for incurring the subsequent costs of maintaining facilities. By maintaining facilities, the capacity for both existing users and growth retains its ability to provide service. Rate payers are entitled to recover the cost of maintenance because they have no choice but to maintain not only the capacity they are using but also the unused capacity available for growth, when and if it occurs. Rate payers are entitled to receive reimbursement from growth for having maintained growth's share of capacity.

The incremental difference between the original cost and the RCN is presumed to recover the cost of maintenance, although no exacting calculation has been made of the amount of maintenance that has ensued since the original construction. Such a calculation would be very difficult particularly if no data are available. However, for purposes of cost recovery the incremental difference is deemed to be a reasonable proxy.

We note that rate payers are not only entitled to recover their original investment and the subsequent maintenance that they have advanced on behalf of growth, but are also entitled to earn a reasonable return on their outlay. A separate determination of this

reasonable return has not been made but is assumed to be included in the incremental difference along with the recovery of maintenance costs.

### **Capacity in Facilities**

The capacity of the facilities should correspond to the facilities that are included in determining the value of capacity. The City does not anticipate significant growth in the near future. Hence, the capacity of the current number of connections in the water and sewer systems are the current capacities that are ascribed to each system.

The current number of water connections is converted to a standard connection referred to as an equivalent meter unit (EMU). An EMU represents the capacity of the smallest meter size available, a 3/4" meter. Larger meters equal more EMUs depending on how their rated capacities compare with one EMU.

The current number of sewer connections is converted to a standard connection referred to as an equivalent dwelling unit (EDU). An EDU relates multi family and commercial connections to an equivalent single family residential connection based on the ratio of the customer's estimated daily water use and strength of sewage discharge compared to that of a single family residence.

### **Unit Cost of Capacity**

The connection fee for an EMU or EDU represents the unit cost of capacity. Dividing the value of the water system facilities by the number of EMUs served determines the unit cost of the City's water system. Dividing the value of the sewer system facilities by the number of EDUs served determines the unit cost of the City's sewer system.

In effect, the connection fees represents the unit cost associated with the capacity that rate payers have funded. By paying this unit cost, each EMU or EDU attains the same level of capital participation in the facilities as an existing rate payer. The connection fee should not be viewed as the cost of a share in the facilities. Paying a connection fee does not convey an ownership share in the facilities. Paying a connection fee only provides reimbursement to those who bore the cost of providing capacity for future connections.

## III. CALCULATION METHODOLOGY – SEWER

### SEWER FACILITIES INCLUDED IN CALCULATION

The City's wastewater division operates and maintains more than 43 miles of sanitary sewer line, more than 8.5 miles of sewer force mains, 49 pumping stations, 15 permanent standby generators, and four portable generators to transmit the City's sewage to the San Mateo Wastewater Treatment Plant (WWTP). The City of San Mateo and the Estero Municipal Improvement District (EMID, which includes all of Foster City and a part of the City of San Mateo), jointly own the WWTP and the City of San Mateo operates the plant as lead agency. The EMID owns 25% of the WWTP.

The WWTP is aging and under a 2009 cease and desist order for sanitary sewer overflows. As a result, the City of San Mateo is undertaking a rehabilitation of the WWTP under a 20-year integrated Wastewater Master Plan (Clean Water Program) for which the EMID will be responsible for its proportionate share of costs estimated at approximately \$116 million. Much of these costs will require external funding including State Revolving Fund (SRF) loans and/or bond financing. These costs are expected to be recovered over time by a combination of the City's sewer connection fee and the City's monthly sewer rates.

### VALUE OF SEWER FACILITIES

The determination of reasonable costs begins by determining the value of the facilities. The sewer system comprises the collection, transmission, treatment, and disposal of wastewater.

#### Existing Facilities

The existing sewer collection system and transmission facilities were valued by escalating the original construction costs to current year costs using the *Engineering News Record* Construction Cost Index as of December 2014. The inventory of the existing collection and transmission facilities was compiled by the City and is current as of December 31, 2014. The inventory includes the acquisition date, original cost, and estimated service lives for each asset, based on the City's records. A copy of the inventory of existing sewer facilities and the RCN calculations is shown in Appendix A.

The value of the City's share of the existing WWTP is not included in the asset value because the existing WWTP will be replaced by new treatment facilities. To avoid double counting, we have only included the future cost of the new treatment facilities.

## Future Facilities

Because the WWTP is beginning a 20-year complete renovation, we have an appropriate basis for the valuation of the facility in current dollars, namely, the City's \$116 million estimated share of costs for the facility rehabilitation. Based on discussions with the City, these costs will primarily be funded by debt in the form of either SRF loans or municipal bonds. In addition, a portion of the WWTP rehabilitation will be funded through the City's monthly sewer rates. For purposes of calculating connection fees, we have assumed that the entire WWTP renovation will be funded from low interest loans. Funding the plant from borrowed funds entitles rate payers to recover their debt service payments as the loans are retired. The retired debt service represents the outlay made by rate payers, not the \$116 million dollar construction cost.

The City does not have a current sewer facilities master plan that identifies the future capital improvements planned for its collection and transmission facilities. As a result, there is no future component in the connection fee calculation for the City's local sewerage facilities.

## Summary of Value

The value of the City's existing and future sewer system is summarized in **Figure 3-1**. The majority of the value is in the RCN for the existing local sewerage, which totals \$62.4 million. This amount is 2.6 times the historical cost of the local sewerage. The incremental difference represents cost recovery for the maintenance and a return on investment. Approximately one third or \$33.5 million of the total value is the cumulative retired debt for the WWTP over the next five years.

**Figure 3-1. Value of City's Sewer Facilities**

	Historical Cost	RCN	Valuation Method
<b>City's Sewer System Assets</b>			
Sewer Pipelines - Existing	\$ 7,395,303	\$ 24,202,023	RCN = Historical Cost + Annual Change in CCI <sup>2</sup> (RCN calculation included in Appendix A)
Sewer Structures - Existing	2,152,911	8,522,807	
Lift Stations & Generators - Existing	14,540,699	29,652,178	
Future WWTP Rehabilitation <sup>1</sup>		33,541,458	Debt Service Schedule (Appendix B)
<b>Grand Total</b>	<b>\$24,088,914</b>	<b>\$95,918,466</b>	

<sup>1</sup> Reflects estimated 5-year debt service payments of principal and interest based on a 30-year \$116,000,000 loan at 4% annual interest

## CAPACITY IN SEWER FACILITIES

Determining the capacity of the sewer system requires converting the number of commercial accounts and residential dwelling units to Equivalent Dwelling Units (EDUs). An EDU relates multi family and commercial connections to an equivalent single family residential connection, based on the ratio of the respective customer class' estimated average daily water use and strength to the estimated average daily water use and strength characteristics of a single family residence. Utilizing the customer account, flow, and strength data in **Figure 3-2**, which is from the City's recent water and sewer rate study, we derived the total capacity, in EDUs, of the City's sewer system, as shown in **Figure 3-3** (11,391 residential EDUs) and **Figure 3-4** (1,307 commercial EDUs).

**Figure 3-2. Historical Flow and Strength Characteristics by Class**

Residential	DUs	Avg Flow (gpd)	BOD (mg/l)	TSS (mg/l)
Single Family	4,534	200	240	240
Townhouse/Duplex	2,222	168	240	240
Apartment/Condos	5,941	168	240	240
Commercial	Accts	Total Flow (gpd)	BOD (mg/l)	TSS (mg/l)
Low Strength	35	36,295	130	100
Medium/Domestic Strength	141	121,901	240	240
High Strength	46	40,833	1000	800

Source: Bartle Wells' March 31, 2015 Water and Wastewater Rate Study Results  
(Supplement to March 23, 2015 Report) - Table 17

**Figure 3-3. Derivation of Residential EDUs**

Residential Class	Single Family	Townhouse/ Duplex	Apartment/ Condos	
<b>Flow Component</b>				
Total Flow (gpd): DUs x Avg. Flow	906,800	373,296	998,088	<b>a</b>
Baseline Single Family Flow (gpd)	200	200	200	<b>b</b>
EDUs	4,534.00	1,866.48	4,990.44	<b>c = a ÷ b</b>
Weighting	33%	33%	33%	<b>d</b>
Weighted EDUs	1,496.22	615.94	1,646.85	<b>e = c * d</b>
<b>BOD Component</b>				
BOD (mg/L)	240	240	240	<b>f</b>
Baseline Single Family BOD Strength (mg/L)	240	240	240	<b>g</b>
Equivalent Single Family BOD Strength	1.00	1.00	1.00	<b>h = f ÷ g</b>
Weighting	33%	33%	33%	<b>i</b>
Weighted Strength	0.33	0.33	0.33	<b>j = h * i</b>
EDUs	4,534.00	1,866.48	4,990.44	<b>k = c</b>
Weighted EDUs	1,496.22	615.94	1,646.85	<b>l = j * k</b>
<b>TSS Component</b>				
TSS (mg/L)	240	240	240	<b>m</b>
Baseline Single Family TSS Strength (mg/L)	240	240	240	<b>n</b>
Equivalent Single Family TSS Strength	1.00	1.00	1.00	<b>o = m ÷ n</b>
Weighting	34%	34%	34%	<b>p</b>
Weighted Strength	0.34	0.34	0.34	<b>q = o * p</b>
EDUs	4,534.00	1,866.48	4,990.44	<b>r = c</b>
Weighted EDUs	1,541.56	634.60	1,696.75	<b>s = q * r</b>
<b>EDU Summary</b>				
Flow	1,496.22	615.94	1,646.85	<b>t = e</b>
BOD	1,496.22	615.94	1,646.85	<b>u = l</b>
TSS	1,541.56	634.60	1,696.75	<b>v = s</b>
Subtotal EDUs by Class	4,534.00	1,866.48	4,990.44	<b>w = t + u + v</b>
Total Residential EDUs			11,391	<b>x = Σ w</b>

**Figure 3-4. Derivation of Commercial EDUs**

Strength Class	Low	Med	High
<b>Flow Component</b>			
Total Flow by Class (gpd)	36,295	121,901	40,833 <b>a</b>
Baseline Single Family Flow (gpd)	200	200	200 <b>b</b>
EDUs	181.48	609.51	204.17 <b>c = a ÷ b</b>
Weighting	33%	33%	33% <b>d</b>
Weighted EDUs	59.89	201.14	67.37 <b>e = c * d</b>
<b>BOD Component</b>			
BOD (mg/L)	130	240	1000 <b>f</b>
Baseline Single Family BOD Strength (mg/L)	240	240	240 <b>g</b>
Equivalent Single Family BOD Strength	0.54	1.00	4.17 <b>h = f ÷ g</b>
Weighting	33%	33%	33% <b>i</b>
Weighted Strength	0.18	0.33	1.38 <b>j = h * i</b>
EDUs	181.48	609.51	204.17 <b>k = c</b>
Weighted EDUs	32.44	201.14	280.73 <b>l = j * k</b>
<b>TSS Component</b>			
TSS (mg/L)	100	240	800 <b>m</b>
Baseline Single Family TSS Strength (mg/L)	240	240	240 <b>n</b>
Equivalent Single Family TSS Strength	0.42	1.00	3.33 <b>o = m ÷ n</b>
Weighting	34%	34%	34% <b>p</b>
Weighted Strength	0.14	0.34	1.13 <b>q = o * p</b>
EDUs	181.48	609.51	204.17 <b>r = c</b>
Weighted EDUs	25.71	207.23	231.39 <b>s = q * r</b>
<b>EDU Summary</b>			
Flow	59.89	201.14	67.37 <b>t = e</b>
BOD	32.44	201.14	280.73 <b>u = l</b>
TSS	25.71	207.23	231.39 <b>v = s</b>
Subtotal EDUs by Class	118.03	609.51	579.49 <b>w = t + u + v</b>
Total Commercial EDUs			1,307 <b>x = Σ w</b>

**CONNECTION FEES - SEWER**

The value of the sewer facilities in **Figure 3-1** serves as the basis for the connection fee. The connection fee is determined by dividing the value by the capacity (in EDUs) shown in **Figures 3-3** and **3-4**. The derivation of the maximum connection fee of \$7,554 per EDU is shown in **Figure 3-5**.

**Figure 3-5. Sewer Connection Fee Calculation**

	Historical Cost	RCN	Valuation Method
<b>City's Sewer System Assets</b>			
Sewer Pipelines - Existing	\$ 7,395,303	\$ 24,202,023	RCN = Historical Cost + Annual Change in CCI <sup>2</sup> (RCN calculation included in Appendix A)
Sewer Structures - Existing	2,152,911	8,522,807	
Lift Stations & Generators - Existing	14,540,699	29,652,178	
Future WWTP Rehabilitation <sup>1</sup>		33,541,458	Debt Service Schedule (Appendix B)
<b>Grand Total</b>	<b>\$24,088,914</b>	<b>\$95,918,466 a</b>	Source: Figure 3-1
<b>System Capacity</b>			
Current EDUs			
Residential		11,391	Source: Figure 3-3
Commercial		1,307	Source: Figure 3-4
<b>Total EDUs</b>		<b>12,698 b</b>	
<b>Connection Fee per EDU</b>		<b>\$7,554 = a / b</b>	

<sup>1</sup> Reflects estimated 5-year debt service payments of principal and interest based on a 30-year \$116,000,000 loan at 4% annual interest

<sup>2</sup> Construction Cost Index published by Engineering News Record (Dec 2014)

### Determining Commercial EDUs

The calculation of the number of commercial EDUs associated with a connection is calculated using the same assumptions for flow and strength of the wastewater discharged from a single family home made in the City's sewer rate study:<sup>2</sup> 200 gpd of indoor water use; 240 mg/L of Biochemical Oxygen Demand (BOD); and, 240 mg/L of Total Suspended Solids (TSS). The assumptions in the sewer rate study are typical of industry norms and are used to maintain consistency.

A single family connection is charged 1 EDU or \$7,554 per connection. A multi family connection is charged 0.625 EDUs or \$4,721 per dwelling unit (\$7,554 x 0.625 EDUs) based on an estimated 168 gpd; 240 mg/L of BOD; and, 240 mg/L of TSS, which is consistent with the City's recent rate study and summarized in **Figure 3-2**.

<sup>2</sup> Bartle Wells Associates' Water and Wastewater Rate Study Results (Supplement to March 23, 2015 Report), March 31, 2015.

Commercial customers are a less homogenous class of customers, the volume and strength of wastewater can vary considerably from one customer to the next. The EDU calculation for commercial customers takes into consideration a customer's estimated indoor water flow and their strength of flow, through a strength factor for low, medium, and high strength wastewater. The following formula shall be used to calculate a commercial customer's number of EDUs:

**Figure 3-6. Commercial EDU Calculation Formula**

$\frac{\text{Est. GPD}}{200}$	$\times$	$\frac{\text{Strength}}{\text{Factor}}$	$=$	# of EDUs
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To determine the total commercial connection fee, the sewer wastewater flow is estimated and the strength factor assigned depending on whether wastewater strength corresponds to low, medium, or high strength. Appendix D provides examples of businesses with low, medium, and high wastewater strength and **Figure 3-7** summarizes the strength factors to be used. The strength factors were derived using the formula in **Figure 3-8** and the historical strength characteristics in **Figure 3-2**.

**Figure 3-7. Calculated Strength Factors**

Strength Category	BOD (mg/L)	TSS (mg/L)	Factor
Low	130	100	0.65
Medium	240	240	1.00
High	1000	800	2.84

The BOD and TSS levels used to derive the low, medium, and high strength factors may not be representative for all customers. If a customer can demonstrate wastewater strength characteristics that are not represented above as low, medium or high, the formula shown in **Figure 3-8** can be used to calculate the prospective customer's number of EDUs.

**Figure 3-8. Expanded EDU Calculation Formula**

$\frac{\text{Est. GPD}}{200 \text{ gpd}} \times \left[ 0.34 + \left( \frac{\text{Est. BOD (mg/L)}}{240 \text{ mg/L}} \times 0.33 \right) + \left( \frac{\text{Est. TSS (mg/L)}}{240 \text{ mg/L}} \times 0.33 \right) \right]$	
Flow Factor	Strength Factor

Alternatively, the commercial connection fees can be derived simply by dividing the estimated wastewater flow by 200 gpd and multiplying by the charge per EDU that reflects the strength factor:

- Low strength = \$4,910 (\$7,554 times 0.65)
- Medium strength = \$7,554 (\$7,554 times 1.00)
- High strength = \$21,453 (\$7,554 times 2.84)

For example, a low strength customer with an estimated wastewater flow of 400 gpd would pay a \$9,820 connection fee (400/200 times \$4,910).

## IV. CALCULATION METHODOLOGY – WATER

### WATER FACILITIES INCLUDED IN CALCULATION

Potable water supplied to the EMID by the SFPUC is provided via a single 24-inch transmission line connected to the SFPUC's 54-inch main, Crystal Springs No. 2. The SFPUC's water does not require any further treatment by the City. The connection point is located in the City of San Mateo on Crystal Springs Road. The EMID is responsible for operating and maintaining this 24-inch transmission line and three steel and one concrete storage tanks. Each steel tank can store four million gallons and the concrete tank can store eight million gallons, for a total storage of twenty (20) million gallons<sup>3</sup>. Additionally, the EMID requires additional assets as part of its infrastructure, including hydrants, its headquarters, corporation yard, and minor assets.

### VALUE OF WATER FACILITIES

The City's existing water system was valued by escalating the original construction costs to current year costs using the *Engineering News Record* Construction Cost Index as of December 2014. The inventory of the City's existing water pipelines, meters, valves, structures (e.g., pump stations, storage tanks), and fire hydrants was compiled by the City as of December 31, 2014. The inventory includes the acquisition date, original cost, and estimated service lives for each asset, based on the City's records. A copy of the inventory of existing water facilities and the RCN calculations is shown in Appendix C.

The value of the City's existing water system is summarized in **Figure 4-1**.

**Figure 4-1. Value of City's Water Facilities**

	Historical Cost	RCN	Valuation Method
<b>City's Water System Assets</b>			
Water Pipelines	\$ 14,676,512	\$ 53,166,514	RCN = Historical Cost + Annual Change in CCI (RCN calculation included in Appendix C)
Water Meters	4,458,633	4,977,832	
Water Valves	12,800,515	38,884,459	
Water Structures	15,824,661	49,007,965	
Fire Hydrants	1,577,976	7,584,185	
<b>Grand Total</b>	<b>\$ 49,338,297</b>	<b>\$ 153,620,955</b>	

<sup>3</sup> System description included in the Estero Municipal Improvement District's (EMID's) 2010-2015 Urban Water Management Plan.

## CAPACITY IN WATER FACILITIES

Determining the capacity of the water system requires converting the meters of different sizes to Equivalent Meter Units (EMUs). EMUs are determined based on the capacity that larger meters provide compared to the smallest meter, based on ratios established by the American Water Works Association (AWWA). When the EMU multipliers are multiplied by the number of meters of each size, the total number of EMUs is derived. Multiplying the number of meters by their respective capacities yields the capacity provided in the system, as summarized in **Figure 4-2**. The 7,923 number of connections is equivalent to 14,407 EMUs or 3/4" connections.

**Figure 4-2. Equivalent Meter Unit Calculation**

Meter Size	Accounts	Meter Ratio	Equivalent Meter Units
<b>Water Service</b>			
3/4"	6,807	1.00	6,807
1"	411	1.67	686
1-1/2"	161	4.00	644
2"	377	5.33	2,009
3"	79	11.67	922
4"	50	21.00	1,050
6"	26	46.67	1,213
8"	15	80.00	1,200
<b>Total</b>	<b>7,926</b>		<b>14,532</b>

Source: Table 1 Bartle Wells' March 22, 2016 Water and Wastewater Rate Study Update Results

## CONNECTION FEES

The RCN values of the water facilities in **Figure 4-1** serve as the basis for the connection fee. The connection fee is determined by dividing the value by the system's total capacity shown in **Figure 4-2**. The resulting \$10,663 connection fee per EMU is shown in **Figure 4-3**.

**Figure 4-3. Water Connection Fee Calculation (\$ per EMU)**

	Historical Cost	RCN	Valuation Method
<b>City's Water System Assets</b>			
Water Pipelines	\$ 14,676,512	\$ 53,166,514	RCN = Historical Cost + Annual Change in CCI (RCN calculation included in Appendix C)
Water Meters	4,458,633	4,977,832	
Water Valves	12,800,515	38,884,459	
Water Structures	15,824,661	49,007,965	
Fire Hydrants	1,577,976	7,584,185	
<b>Grand Total</b>	<b>\$ 49,338,297</b>	<b>\$ 153,620,955 <sup>a</sup></b>	Source: Figure 4-1
<b>Water System Capacity</b>			
Total EMU Capacity		<b>14,407 <sup>b</sup></b>	Source: Figure 4-2
<b>Connection Fee per EMU</b>		<b>\$10,663 = a / b</b>	

<sup>1</sup> Construction Cost Index published by Engineering News Record (Dec 2014)

The connection fee for each meter size, regardless of customer class (e.g., single family, multi family, commercial), is derived by multiplying the \$10,663 unit cost per EMU times the number of EMU multipliers for each meter. The resulting connection fees, by meter size, are shown in **Figure 4-4**.

**Figure 4-4. Water Connection Fee by Meter Size**

Meter Size	Capacity Multiplier	Fee per Connection
3/4"	1.00	\$10,663
1"	1.67	\$17,807
1-1/2"	4.00	\$42,652
2"	5.33	\$56,834
3"	11.67	\$124,438
4"	21.00	\$223,925
6"	46.67	\$497,647
8"	80.00	\$853,048

## V. CONNECTION FEE COMPARISONS

Figures 5-1 and 5-2 compares the City's existing and proposed sewer and water connection fees, respectively, with other neighboring agencies.

**Figure 5-1. Comparison of Connection Fees – Sewer**

	City of Foster City		City of San Mateo	City of Burlingame	West Bay Sanitary District (Menlo Park)	City of Millbrae	City of San Bruno	City of San Carlos	East Palo Alto Sanitary District
	Current	Proposed							
Single Family	\$2,100 per DU	\$7,394 per DU	\$2,516 per DU	\$245 per DU	\$7,336 per DU	\$3,309 per DU	Based on Meter Size regardless of Customer Class;  \$3,495 for 3/4" Meter (most common SF meter size) to \$209,711 for 8"	\$12,551 per DU	\$3,625 per Connection
Multi Family	\$1,312.50 per DU	\$6,211 per DU	\$1,257 - \$2,516 per DU	\$187 per DU	\$7,336 per DU	\$2,317 per DU		\$6,740 per DU	\$3,625 per Connection
Commercial	\$0.75 per sq. ft. of building area	\$7,394 per EDU <sup>1</sup>	\$124 per fixture unit	\$85 - \$967 per 1,000 sq. ft.	\$7,336 per EDU <sup>1</sup>	\$3,309 per EDU <sup>1</sup>		\$13,199 per EDU <sup>1</sup>	\$3,625 per Connection

<sup>1</sup> Calculated rate per EDU based on 200 gpd of Flow and BOD and TSS levels equal to a Single Family Residence

**Figure 5-2. Comparison of Connection Fees – Water**

Meter Size	City of Foster City				North Coast County Water District	Coastside County Water District	Mid Peninsula Water District (Belmont)	City of Burlingame	City of Millbrae	City of San Bruno
	Current			Proposed (All Customers)						
	Single Family (per DU)	Multi Family (per DU)	Commercial (per sq. ft of land)							
3/4"	\$1,929	\$1,157	\$0.24	\$10,571	\$8,912	\$24,045	\$9,375	\$4,100	\$3,680	\$1,502
1"	\$1,929	\$1,157	\$0.24	\$17,654	\$14,853	\$40,075	\$15,625	\$4,135	\$6,130	\$2,504
1-1/2"	\$1,929	\$1,157	\$0.24	\$42,284	\$29,706	\$80,151	\$31,250	\$5,280	\$12,270	\$5,007
2"	\$1,929	\$1,157	\$0.24	\$56,344	\$47,530	\$128,241	\$50,000	\$5,420	\$19,630	\$8,012
3"	\$1,929	\$1,157	\$0.24	\$123,365	\$89,118	\$280,528	\$93,750		\$36,800	\$16,533
4"	\$1,929	\$1,157	\$0.24	\$221,994	\$148,531	\$480,903	\$156,250		\$61,330	\$25,037
6"	\$1,929	\$1,157	\$0.24	\$493,354			\$312,500		\$122,670	\$50,074
8"	\$1,929	\$1,157	\$0.24	\$845,690			\$500,000		\$196,270	\$90,133

The results of the comparison shows a wide range of other connection fees. In some cases, the difference can be accounted for based on the time that the connection fee was updated. Connection fees that have not been updated recently may have lagged behind the current cost of capacity. This may be the case with Burlingame's lower connection fees (substantially lower sewer connection fee), although we are unfamiliar with how Burlingame set its connection fees.

In other cases, there may be unusual capital costs that lead to a higher connection fee. This may be the case with the pipelines Coastside constructed to pump water from

Crystal Springs Reservoir to its service area and water treatment facilities. Again, however, we are not familiar with how Coastsides set its connection fees.

Differences in the size of the agency can make a difference because of economies of scale. A smaller agency with additional conveyance and treatment facilities can be expected to have a higher cost of capacity.

The calculation methodology may also account for the difference. As previously stated, there is no single formula for deriving connection fees that is legally required to be used. Some analysts only include existing facilities; others include both existing and proposed future facilities. Either approach is acceptable as long as the corresponding capacity is used in determining the unit cost of capacity. Given the flexibility in the use of calculation methodologies, it is possible that the use of an unorthodox methodology may account for the difference.

Agencies also have the discretion to set their connection fees lower than the calculated amount as a means of balancing the recovery of growth-related costs between connection fees and rates. In the first place, agencies are not required to charge connection fees. When they do, the Mitigation Fee Act requires that they charge reasonable connection fees, which can include discounted amounts.

The foregoing reasons illustrate the limits in comparing connection fees. Such comparisons will always show that there is a wide range of results.

## **Appendix A: Sewer Facilities Valuation**



	A	B	C	D	CA	CB	CC	CE	CF	CG	CH	CJ	CK	CL	CM
1															
2															
3															
4	Estimated Useful Life:			50									Index		CCI Index
5	Current Year:			6/30/2014									ENR CCI - 2014		9,806
6	Const. Date	Full Constr Date	CIP	Current Age (Years)	Total Current Replacement Cost as of 6/30/02	Historical Cost	Annual Depreciation	Current Year Depreciation as of 6/30/14	Accumulated Depreciation as of 6/30/13	Accumulated Depreciation as of 6/30/14	Net Book Value as of 6/30/14		ENR CCI Index	ENR CCI Ratio	RCN (Historical Cost x CCI Ratio)
7	1963	06/30/63		51	\$6,370,987	\$756,472	\$15,129	\$0	\$756,472	\$756,472	\$0		901	10.88	\$ 8,233,033
8	1964	06/30/64		50	\$2,182,400	\$269,605	\$5,392	\$5,392	\$264,213	\$269,605	\$0		936	10.48	\$ 2,824,512
9	1965	06/30/65		49	\$4,018,164	\$515,670	\$10,313	\$10,313	\$495,043	\$505,356	\$10,313		971	10.10	\$ 5,207,681
10	1966	06/30/66		48	\$3,017,857	\$407,437	\$8,149	\$8,149	\$382,991	\$391,139	\$16,297		1019	9.62	\$ 3,920,829
11	1967	06/30/67		47	\$2,259,664	\$322,480	\$6,450	\$6,450	\$296,682	\$303,131	\$19,348		1074	9.13	\$ 2,944,354
12	1968	06/30/68		46	\$2,542,865	\$392,498	\$7,850	\$7,850	\$353,248	\$361,098	\$31,400		1155	8.49	\$ 3,332,322
13	1971	06/30/71		43	\$140,320	\$30,820	\$616	\$616	\$25,889	\$26,505	\$4,315		1581	6.20	\$ 191,160
14	1972	06/30/72		42	\$57,595	\$14,195	\$284	\$284	\$11,640	\$11,923	\$2,271		1753	5.59	\$ 79,402
15	1973	06/30/73		41	\$765,017	\$205,161	\$4,103	\$4,103	\$164,129	\$168,232	\$36,929		1895	5.17	\$ 1,061,642
16	1974	06/30/74		40	\$206,049	\$59,160	\$1,183	\$1,183	\$46,145	\$47,328	\$11,832		2020	4.85	\$ 287,192
17	1975	06/30/75		39	\$1,353,963	\$429,578	\$8,592	\$8,592	\$326,479	\$335,071	\$94,507		2212	4.43	\$ 1,904,360
18	1976	06/30/76		38	\$9,080	\$3,150	\$63	\$63	\$2,331	\$2,394	\$756		2401	4.08	\$ 12,864
19	1977	06/30/77		37	\$208,087	\$77,864	\$1,557	\$1,557	\$56,062	\$57,619	\$20,245		2576	3.81	\$ 296,403
20	1978	06/30/78		36	\$177,258	\$71,911	\$1,438	\$1,438	\$50,338	\$51,776	\$20,135		2776	3.53	\$ 254,020
21	1979	06/30/79		35	\$766,346	\$338,583	\$6,772	\$6,772	\$230,237	\$237,008	\$101,575		3003	3.27	\$ 1,105,610
22	1980	06/30/80		34	\$0	\$0	\$0	\$0	\$0	\$0	\$0		3237	3.03	\$ 0
23	1981	06/30/81		33	\$382,902	\$202,071	\$4,041	\$4,041	\$129,325	\$133,366	\$68,705		3535	2.77	\$ 560,541
24	1982	06/30/82		32	\$204,846	\$117,765	\$2,355	\$2,355	\$73,015	\$75,370	\$42,395		3825	2.56	\$ 301,911
25	1983	06/30/83		31	\$54,583	\$33,490	\$670	\$670	\$20,094	\$20,764	\$12,726		4066	2.41	\$ 80,768
26	1984	06/30/84		30	\$652,824	\$408,583	\$8,172	\$8,172	\$236,978	\$245,150	\$163,434		4146	2.37	\$ 966,370
27	1985	06/30/85		29	\$2,799,383	\$1,773,005	\$35,460	\$35,460	\$992,883	\$1,028,343	\$744,662		4195	2.34	\$ 4,144,479
28	1986	06/30/86		28	\$1,491,241	\$967,550	\$19,351	\$19,351	\$522,477	\$541,828	\$425,722		4295	2.28	\$ 2,209,033
29	1987	06/30/87		27	\$2,700,298	\$1,798,494	\$35,970	\$35,970	\$935,217	\$971,187	\$827,307		4406	2.23	\$ 4,002,731
30	1988	06/30/88		26	\$881,302	\$602,429	\$12,049	\$12,049	\$301,214	\$313,263	\$289,166		4519	2.17	\$ 1,307,240
31	1989	06/30/89		25	\$99,349	\$69,386	\$1,388	\$1,388	\$33,305	\$34,693	\$34,693		4615	2.12	\$ 147,432
32	1990	06/30/90		24	\$243,124	\$174,215	\$3,484	\$3,484	\$80,139	\$83,623	\$90,592		4732	2.07	\$ 361,022
33	1991	06/30/91		23	\$115,197	\$84,384	\$1,688	\$1,688	\$37,129	\$38,816	\$45,567		4835	2.03	\$ 171,141
34	1993	06/30/93		21	\$210,413	\$166,584	\$3,332	\$3,332	\$66,634	\$69,965	\$96,619		5210	1.88	\$ 313,536
35	1994	06/30/94		20	\$209,041	\$172,036	\$3,441	\$3,441	\$65,374	\$68,814	\$103,221		5408	1.81	\$ 311,942
36	1995	06/30/95		19	\$112,555	\$93,722	\$1,874	\$1,874	\$33,740	\$35,614	\$58,108		5471	1.79	\$ 167,983
37	1997	06/30/97		17	\$421,580	\$374,530	\$7,491	\$7,491	\$119,850	\$127,340	\$247,190		5826	1.68	\$ 630,389
38	1998	06/30/98		16	\$2,555,348	\$2,307,799	\$46,156	\$46,156	\$692,340	\$738,496	\$1,569,303		5920	1.66	\$ 3,822,681
39	1999	06/30/99		15	\$231,101	\$213,768	\$4,275	\$4,275	\$59,855	\$64,130	\$149,638		6059	1.62	\$ 345,966
40	2001	06/30/01		13	\$236,492	\$229,183	\$4,584	\$4,584	\$55,004	\$59,588	\$169,596		6343	1.55	\$ 354,307
41	2002	06/30/02		12	\$332,418	\$332,418	\$6,648	\$6,648	\$73,132	\$79,780	\$252,638		6538	1.50	\$ 498,576
42	2007	07/28/06	761	8		\$660,515	\$13,210	\$13,210	\$91,371	\$104,582	\$555,933		7966	1.23	\$ 813,082
43	Totals				38,009,648	14,676,512	293,530	278,401	8,080,972	8,359,372	6,317,139				\$ 53,166,514
44															

	A	B	D	E	F	G	H	I	K	L	M	N	O	P	Q	R	S
1	<b>Foster City GASB 34: Fire Hydrants*</b>																
2	<b>Water Distribution System Network</b>																
3															Index		CCI Index
4		Estimated Useful Life: 50 years													ENR CCI - 2014		9,806
5		Current Year: 06/30/14															
6	Const. Date	Full Constr Date	Number of Fire Hydrants	Current Age (Years)	Current Replacement Cost	Unit Cost (based on ENR CCI)	Historical Cost	Annual Depreciation	Current Year Depreciation as of 6/30/14	Accumulated Depreciation as of 6/30/13	Accumulated Depreciation as of 6/30/14	Net Book Value as of 6/30/14	Depreciation Variance		ENR CCI Index	ENR CCI Ratio	RCN (Historical Cost x CCI Ratio)
7	1963	06/30/63	129	51	\$644,997	\$593.68	\$76,585	\$1,532	\$0	\$76,585	\$76,585	\$0	\$0		901	10.88	\$ 833,514
8	1965	06/30/65	192	49	\$960,000	\$641.67	\$123,201	\$2,464	\$2,464	\$118,273	\$120,737	\$2,464	\$2,464		971	10.10	\$ 1,244,193
9	1966	06/30/66	94	48	\$470,000	\$675.04	\$63,454	\$1,269	\$1,269	\$59,647	\$60,916	\$2,538	\$2,538		1019	9.62	\$ 610,629
10	1967	06/30/67	92	47	\$460,000	\$713.56	\$65,647	\$1,313	\$1,313	\$60,395	\$61,708	\$3,939	\$3,939		1074	9.13	\$ 599,383
11	1968	06/30/68	140	46	\$700,000	\$771.76	\$108,047	\$2,161	\$2,161	\$97,242	\$99,403	\$8,644	\$8,644		1155	8.49	\$ 917,322
12	1975	06/30/75	46	39	\$230,000	\$1,586.37	\$72,973	\$1,459	\$1,459	\$55,460	\$56,919	\$16,054	\$16,054		2212	4.43	\$ 323,497
13	1976	06/30/76	62	38	\$310,000	\$1,734.58	\$107,544	\$2,151	\$2,151	\$79,583	\$81,733	\$25,811	\$25,811		2401	4.08	\$ 439,224
14	1977	06/30/77	105	37	\$525,000	\$1,870.95	\$196,450	\$3,929	\$3,929	\$141,444	\$145,373	\$51,077	\$51,077		2576	3.81	\$ 747,820
15	1982	06/30/82	127	32	\$635,000	\$2,874.49	\$365,060	\$7,301	\$7,301	\$226,337	\$233,639	\$131,422	\$131,422		3825	2.56	\$ 935,891
16	1985	06/30/85	126	29	\$630,000	\$3,166.78	\$399,014	\$7,980	\$7,980	\$223,448	\$231,428	\$167,586	\$167,586		4195	2.34	\$ 932,713
17	<b>Totals</b>		<b>1,113</b>		<b>\$5,564,997</b>		<b>\$1,577,976</b>	<b>\$31,560</b>	<b>\$30,028</b>	<b>\$1,138,414</b>	<b>\$1,168,442</b>	<b>\$409,534</b>					<b>\$ 7,584,185</b>
18																	

	A	B	C	BH	BI	BJ	BL	BM	BN	BO	BQ	BW	BX	BY
1														
2														
3												Index		CCI Index
4	Estimated Useful Life:		20	years								ENR CCI - 2014		9,806
5	Current Year:		6/30/2014											
6	Const. Date	Full Constr Date	Current Age (Years)	Total Current Replacement Value	Historical Cost	Annual Depreciation	Current Year Depreciation as of 6/30/14	Accumulated Depreciation as of 6/30/13	Accumulated Depreciation as of 6/30/14	Net Book Value as of 6/30/14		ENR CCI Index	ENR CCI Ratio	RCN (Historical Cost x CCI Ratio)
7	2014	06/30/14	0	\$147	\$147	\$7	\$7	\$0	\$7	\$140		9806	1.00	\$ 147
8	2014	06/30/14	0	\$147	\$147	\$7	\$7	\$0	\$7	\$140		9806	1.00	\$ 147
9	2014	06/30/14	0	\$9,116	\$9,116	\$456	\$456	\$0	\$456	\$8,660		9806	1.00	\$ 9,116
10	2014	06/30/14	0	\$1,529	\$1,529	\$76	\$76	\$0	\$76	\$1,453		9806	1.00	\$ 1,529
11	2014	06/30/14	0	\$374,346	\$374,346	\$18,717	\$18,717	\$0	\$18,717	\$355,629		9806	1.00	\$ 374,346
12	2014	06/30/14	0	\$536,461	\$536,461	\$26,823	\$26,823	\$0	\$26,823	\$509,638		9806	1.00	\$ 536,461
13	2014	06/30/14	0	\$340,165	\$340,165	\$17,008	\$17,008	\$0	\$17,008	\$323,157		9806	1.00	\$ 340,165
14	1993	06/30/93	21	\$407,345	\$40,313	\$2,016	\$0	\$40,313	\$40,313	\$0		5210	1.88	\$ 75,874
15	1994	06/30/94	20	\$21,741	\$1,454	\$73	\$73	\$1,381	\$1,454	\$0		5408	1.81	\$ 2,637
16	1995	06/30/95	19	\$70,065	\$857	\$43	\$43	\$771	\$814	\$43		5471	1.79	\$ 1,536
17	1996	06/30/96	18	\$117,056	\$9,405	\$470	\$470	\$7,994	\$8,464	\$940		5620	1.74	\$ 16,410
18	1997	06/30/97	17	\$78,300	\$26,920	\$1,346	\$1,346	\$21,133	\$22,479	\$4,441		5826	1.68	\$ 45,311
19	1998	06/30/98	16	\$274,027	\$95,637	\$4,782	\$4,782	\$71,728	\$76,510	\$19,127		5920	1.66	\$ 158,415
20	1999	06/30/99	15	\$56,851	\$21,380	\$1,069	\$1,069	\$14,966	\$16,035	\$5,345		6059	1.62	\$ 34,601
21	2000	06/30/00	14	\$100,125	\$39,577	\$1,979	\$1,979	\$25,725	\$27,704	\$11,873		6221	1.58	\$ 62,384
22	2001	06/30/01	13	\$458,326	\$160,863	\$8,043	\$8,043	\$96,518	\$104,561	\$56,302		6343	1.55	\$ 248,687
23	2002	06/30/02	12	\$134,889	\$54,467	\$2,723	\$2,723	\$29,957	\$32,680	\$21,787		6538	1.50	\$ 81,692
24	2003	08/01/02	12	\$6,732	\$6,732	\$337	\$337	\$3,674	\$4,011	\$2,721		6694	1.46	\$ 9,862
25	2004	07/03/03	11	\$4,188	\$4,188	\$209	\$209	\$2,094	\$2,303	\$1,885		7115	1.38	\$ 5,772
26	2006	09/09/05	9	\$531	\$531	\$27	\$27	\$208	\$235	\$296		7751	1.27	\$ 672
27				\$2,992,087	\$1,724,234	\$86,212	\$84,196	\$316,462	\$400,658	\$1,323,576				\$ 2,005,763
28														

	B	C	D	E	G	BG	BO	BT	BU	BV
1										
2										
3										
4	Estimated Useful Life:		30	years				Index		CCI Index
5	Current Year:		06/30/14					ENR CCI - 2014		9,806
6	Const. Date	Full Constr Date	CIP	Current Age (Years)	Unit Cost (based on ENR CCI)	Historical Cost	ENR CCI Index	ENR CCI Ratio	RCN (Historical Cost x CCI Ratio)	
7	1963	06/30/63		51	\$583.59	\$40,316	901	10.88	\$ 438,776	
8	1964	06/30/64		50	\$607.18	\$52,172	936	10.48	\$ 546,580	
9	1965	06/30/65		49	\$630.76	\$318,674	971	10.10	\$ 3,218,251	
10	1966	06/30/66		48	\$663.57	\$239,592	1019	9.62	\$ 2,305,629	
11	1967	06/30/67		47	\$701.43	\$193,424	1074	9.13	\$ 1,766,028	
12	1968	06/30/68		46	\$758.64	\$304,237	1155	8.49	\$ 2,582,982	
13	1971	06/30/71		43	\$1,079.54	\$97,300	1581	6.20	\$ 603,494	
14	1972	06/30/72		42	\$1,211.33	\$71,080	1753	5.59	\$ 397,612	
15	1973	06/30/73		41	\$1,318.10	\$158,288	1895	5.17	\$ 819,089	
16	1974	06/30/74		40	\$1,411.18	\$69,007	2020	4.85	\$ 334,990	
17	1975	06/30/75		39	\$1,559.41	\$311,339	2212	4.43	\$ 1,380,194	
18	1976	06/30/76		38	\$1,705.09	\$338,099	2401	4.08	\$ 1,380,843	
19	1977	06/30/77		37	\$1,839.14	\$205,214	2576	3.81	\$ 781,183	
20	1978	06/30/78		36	\$1,993.95	\$149,049	2776	3.53	\$ 526,503	
21	1979	06/30/79		35	\$2,171.52	\$491,423	3003	3.27	\$ 1,604,693	
22	1981	06/30/81		33	\$2,593.82	\$247,380	3535	2.77	\$ 686,225	
23	1982	06/30/82		32	\$2,825.62	\$699,660	3825	2.56	\$ 1,793,690	
24	1983	06/30/83		31	\$3,015.63	\$200,733	4066	2.41	\$ 484,108	
25	1984	06/30/84		30	\$3,076.15	\$521,467	4146	2.37	\$ 1,233,360	
26	1985	06/30/85		29	\$3,112.94	\$1,290,989	4195	2.34	\$ 3,017,745	
27	1986	06/30/86		28	\$3,188.96	\$1,320,466	4295	2.28	\$ 3,014,782	
28	1987	06/30/87		27	\$3,273.56	\$1,504,720	4406	2.23	\$ 3,348,908	
29	1988	06/30/88		26	\$3,359.73	\$818,014	4519	2.17	\$ 1,775,048	
30	1989	06/30/89		25	\$3,432.65	\$55,952	4615	2.12	\$ 118,887	
31	1990	06/30/90		24	\$3,521.94	\$160,741	4732	2.07	\$ 333,099	
32	1991	06/30/91		23	\$3,600.31	\$11,737	4835	2.03	\$ 23,804	
33	1992	06/30/92		22	\$3,715.58	\$7,393	4985	1.97	\$ 14,542	
34	1993	06/30/93		21	\$3,891.21	\$25,371	5210	1.88	\$ 47,751	
35	1994	06/30/94		20	\$4,044.93	\$287,496	5408	1.81	\$ 521,300	
36	1995	06/30/95		19	\$4,092.61	\$106,735	5471	1.79	\$ 191,307	
37	1996	06/30/96		18	\$4,207.19	\$4,207	5620	1.74	\$ 7,341	
38	1997	06/30/97		17	\$4,366.47	\$85,408	5826	1.68	\$ 143,754	
39	1998	06/30/98		16	\$4,438.86	\$1,287,886	5920	1.66	\$ 2,133,278	
40	2000	06/30/00		14	\$4,670.46	\$15,226	6221	1.58	\$ 24,000	
41	2001	06/30/01		13	\$4,763.10	\$15,528	6343	1.55	\$ 24,005	
42	2002	06/30/02		12	\$4,915.00	\$19,558	6538	1.50	\$ 29,334	
43	2007	07/28/06	761	8		\$53,068	7966	1.23	\$ 65,326	
44	2008	12/03/07	790	7		\$419,887	8310	1.18	\$ 495,477	
45	2010	09/08/09	760	5		\$601,681	8799	1.11	\$ 670,541	
46	Totals					\$ 12,800,515			\$ 38,884,459	
47										

	A	B	C	D	E	F	H	K	L	N	O	P	Q	S	T	U	V
1																	
2	<b>Foster City GASB 34: Water Structures</b>																
3	<b>Water Distribution System Network</b>													<b>Index</b>		<b>CCI Index</b>	
4																	
5	Current Year:	6/30/2014														<b>ENR CCI - 2014</b>	<b>9,806</b>
6	Structure	Asset	Const. Date	Full Constr Date	Useful Life	Current Age (Years)	Current Replacement Value as of 6/30/02	Historical Cost	Annual Depreciation	Current Year Depreciation as of 6/30/14	Accumulated Depreciation as of 6/30/13	Accumulated Depreciation as of 6/30/14	Net Book Value as of 6/30/14	ENR CCI Index	ENR CCI Ratio	RCN (Historical Cost x CCI Ratio)	
7	Water Tank 1	Tank	1966	06/30/66	30	48	\$14,813,867	\$2,000,000	\$66,667	\$0	\$2,000,000	\$2,000,000	\$0	1019	9.62	\$ 19,246,320	
8		Altitude Valve	1966	06/30/66	40	48	\$29,628	\$4,000	\$100	\$0	\$4,000	\$4,000	\$0	1019	9.62	\$ 38,493	
9	Water Tank 2	Tank	1974	06/30/74	30	40	\$6,965,780	\$2,000,000	\$66,667	\$0	\$2,000,000	\$2,000,000	\$0	2020	4.85	\$ 9,708,911	
10		Altitude Valve	1974	06/30/74	40	40	\$13,932	\$4,000	\$100	\$100	\$3,900	\$4,000	\$0	2020	4.85	\$ 19,418	
11	Water Tank 3	Tank	1995	06/30/95	30	19	\$2,621,398	\$2,182,779	\$72,759	\$72,759	\$1,309,667	\$1,382,427	\$800,352	5471	1.79	\$ 3,912,325	
12		Altitude Valve	1995	06/30/95	40	19	\$4,804	\$4,000	\$100	\$100	\$1,800	\$1,900	\$2,100	5471	1.79	\$ 7,169	
13		Fiber Cable(Tank/Lab)	2006	11/02/05	5	9		\$5,450	\$1,090	\$0	\$5,450	\$5,450	\$0	7751	1.27	\$ 6,895	
14	Water Tank 4	Tank	2006	10/08/05	50	9		\$9,020,676	\$180,414	\$180,414	\$1,398,205	\$1,578,618	\$7,442,058	7751	1.27	\$ 11,412,301	
15		Altitude Valve	2006	10/08/05	50	9		\$20,000	\$400	\$400	\$3,100	\$3,500	\$16,500	7751	1.27	\$ 25,303	
16	Booster Pump Station	Building	1966	06/30/66	45	48	\$1,258,529	\$169,912	\$3,776	\$0	\$169,912	\$169,912	\$0	1019	9.62	\$ 1,635,093	
17		Pump 101 & engine	1966	06/30/66	40	48	\$766,329	\$103,461	\$2,587	\$0	\$103,461	\$103,461	\$0	1019	9.62	\$ 995,622	
18		Pump 102 & engine	1966	06/30/66	40	48	\$766,329	\$103,461	\$2,587	\$0	\$103,461	\$103,461	\$0	1019	9.62	\$ 995,622	
19		Pump 104 & engine	1974	06/30/74	40	40	\$360,343	\$103,461	\$2,587	\$2,587	\$100,874	\$103,461	\$0	2020	4.85	\$ 502,247	
20		Pump 105 & engine	1974	06/30/74	40	40	\$360,343	\$103,461	\$2,587	\$2,587	\$100,875	\$103,461	\$0	2020	4.85	\$ 502,247	
21	<b>Totals</b>		<b>11</b>				<b>\$27,961,281</b>	<b>\$15,824,661</b>	<b>\$402,418</b>	<b>\$258,946</b>	<b>\$7,304,705</b>	<b>\$7,563,651</b>	<b>\$8,261,010</b>				<b>\$ 49,007,965</b>

## **Appendix B: WWTP Debt Service Schedule**



	B	C	D	E	F	G	H	I	J	K	L
1	The District/City is a 25% joint owner with the City of San Mateo (75% owner) of a waste water treatment system (WWTP) located in San Mateo. The system has an aging infrastructure and is also under a 2009 cease and desist order for sanitary sewer overflows. As a result, San Mateo is undertaking a rehabilitation of the WWTP under a 20-year integrated Wastewater Master Plan (Clean Water Program) for which the District will be responsible for its proportionate share of costs of approximately \$116 million. Much of these costs will require external funding including State revolving loan and/or bond financing. These costs are expected to be recovered over time as part the annual update of the District's wastewater rate structure.										
2											
3											
4		Bond Amount	\$	116,000,000							
5		Est. Issuance Costs	\$	-							
6		Interest Rate		4%							
7		Term		30 yr							
8		Payments		\$6,708,292							
9											
10		Period		<u>Beginning Bal.</u>	<u>Payment</u>	<u>Principal</u>	<u>Interest</u>	<u>Cumulative Payment</u>			
11		Year 1	\$	116,000,000	\$ 6,708,292	\$ 2,068,292	\$ 4,640,000	\$ 6,708,292			
12		Year 2	\$	113,931,709	\$ 6,708,292	\$ 2,151,023	\$ 4,557,268	\$ 13,416,583			
13		Year 3	\$	111,780,685	\$ 6,708,292	\$ 2,237,064	\$ 4,471,227	\$ 20,124,875			
14		Year 4	\$	109,543,621	\$ 6,708,292	\$ 2,326,547	\$ 4,381,745	\$ 26,833,166			
15		Year 5	\$	107,217,075	\$ 6,708,292	\$ 2,419,609	\$ 4,288,683	\$ 33,541,458	Year 1 - Year 5 Debt Service Expense		
16		Year 6	\$	104,797,466	\$ 6,708,292	\$ 2,516,393	\$ 4,191,899	\$ 40,249,749			
17		Year 7	\$	102,281,073	\$ 6,708,292	\$ 2,617,049	\$ 4,091,243	\$ 46,958,041			
18		Year 8	\$	99,664,025	\$ 6,708,292	\$ 2,721,731	\$ 3,986,561	\$ 53,666,332			
19		Year 9	\$	96,942,294	\$ 6,708,292	\$ 2,830,600	\$ 3,877,692	\$ 60,374,624			
20		Year 10	\$	94,111,694	\$ 6,708,292	\$ 2,943,824	\$ 3,764,468	\$ 67,082,915			
21		Year 11	\$	91,167,871	\$ 6,708,292	\$ 3,061,577	\$ 3,646,715	\$ 73,791,207			
22		Year 12	\$	88,106,294	\$ 6,708,292	\$ 3,184,040	\$ 3,524,252	\$ 80,499,498			
23		Year 13	\$	84,922,254	\$ 6,708,292	\$ 3,311,401	\$ 3,396,890	\$ 87,207,790			
24		Year 14	\$	81,610,853	\$ 6,708,292	\$ 3,443,857	\$ 3,264,434	\$ 93,916,081			
25		Year 15	\$	78,166,996	\$ 6,708,292	\$ 3,581,612	\$ 3,126,680	\$ 100,624,373			
26		Year 16	\$	74,585,384	\$ 6,708,292	\$ 3,724,876	\$ 2,983,415	\$ 107,332,664			
27		Year 17	\$	70,860,508	\$ 6,708,292	\$ 3,873,871	\$ 2,834,420	\$ 114,040,956			
28		Year 18	\$	66,986,637	\$ 6,708,292	\$ 4,028,826	\$ 2,679,465	\$ 120,749,247			
29		Year 19	\$	62,957,811	\$ 6,708,292	\$ 4,189,979	\$ 2,518,312	\$ 127,457,539			
30		Year 20	\$	58,767,831	\$ 6,708,292	\$ 4,357,578	\$ 2,350,713	\$ 134,165,830			
31		Year 21	\$	54,410,253	\$ 6,708,292	\$ 4,531,881	\$ 2,176,410	\$ 140,874,122			
32		Year 22	\$	49,878,372	\$ 6,708,292	\$ 4,713,157	\$ 1,995,135	\$ 147,582,413			
33		Year 23	\$	45,165,215	\$ 6,708,292	\$ 4,901,683	\$ 1,806,609	\$ 154,290,705			
34		Year 24	\$	40,263,532	\$ 6,708,292	\$ 5,097,750	\$ 1,610,541	\$ 160,998,996			
35		Year 25	\$	35,165,782	\$ 6,708,292	\$ 5,301,660	\$ 1,406,631	\$ 167,707,288			
36		Year 26	\$	29,864,122	\$ 6,708,292	\$ 5,513,727	\$ 1,194,565	\$ 174,415,579			
37		Year 27	\$	24,350,395	\$ 6,708,292	\$ 5,734,276	\$ 974,016	\$ 181,123,871			
38		Year 28	\$	18,616,120	\$ 6,708,292	\$ 5,963,647	\$ 744,645	\$ 187,832,162			
39		Year 29	\$	12,652,473	\$ 6,708,292	\$ 6,202,193	\$ 506,099	\$ 194,540,454			
40		Year 30	\$	6,450,280	\$ 6,708,292	\$ 6,450,280	\$ 258,011	\$ 201,248,745			
41					\$ 201,248,745	\$ 116,000,000	\$ 85,248,745				

## **Appendix C: Water Facilities Valuation**



	A	B	C	D	BN	BO	BQ	BR	BS	BT	BZ	CA	CB	CC
1														
2												Index		CCI Index
3	Estimated Useful Life:		50 years									ENR CCI - 2014		9,806
4	Current Year:		6/30/2014											
5	Const. Date	Full Constr Date	CIP	Current Age (Years)	Historical Cost	Annual Depreciation	Current Year Depreciation as of 6/30/14	Accumulated Depreciation as of 6/30/13	Accumulated Depreciation as of 6/30/14	Net Book Value as of 6/30/14		ENR CCI Index	ENR CCI Ratio	RCN (Historical Cost x CCI Ratio)
6	1964	06/30/64		50	\$116,809	\$2,336	\$2,336	\$114,473	\$116,809	-\$1		936	10.48	\$ 1,223,745
7	1965	06/30/65		49	\$203,367	\$4,067	\$4,067	\$195,233	\$199,300	\$4,068		971	10.10	\$ 2,053,781
8	1966	06/30/66		48	\$183,831	\$3,677	\$3,677	\$172,801	\$176,478	\$7,353		1019	9.62	\$ 1,769,038
9	1967	06/30/67		47	\$113,840	\$2,277	\$2,277	\$104,733	\$107,009	\$6,830		1074	9.13	\$ 1,039,398
10	1968	06/30/68		46	\$112,118	\$2,242	\$2,242	\$100,906	\$103,149	\$8,969		1155	8.49	\$ 951,887
11	1969	06/30/69		45	\$0	\$0	\$0	\$0	\$0	\$0		1269	7.73	\$ -
12	1971	06/30/71		43	\$183,642	\$3,673	\$3,673	\$154,259	\$157,932	\$25,710		1581	6.20	\$ 1,139,023
13	1972	06/30/72		42	\$80,817	\$1,616	\$1,616	\$66,270	\$67,886	\$12,931		1753	5.59	\$ 452,078
14	1973	06/30/73		41	\$187,031	\$3,741	\$3,741	\$149,625	\$153,365	\$33,666		1895	5.17	\$ 967,824
15	1974	06/30/74		40	\$160,258	\$3,205	\$3,205	\$125,001	\$128,207	\$32,052		2020	4.85	\$ 777,967
16	1975	06/30/75		39	\$236,020	\$4,720	\$4,720	\$179,375	\$184,096	\$51,924		2212	4.43	\$ 1,046,299
17	1976	06/30/76		38	\$45,768	\$915	\$915	\$33,868	\$34,783	\$10,984		2401	4.08	\$ 186,921
18	1977	06/30/77		37	\$170,028	\$3,401	\$3,401	\$122,420	\$125,821	\$44,207		2576	3.81	\$ 647,243
19	1978	06/30/78		36	\$323,548	\$6,471	\$6,471	\$226,484	\$232,955	\$90,594		2776	3.53	\$ 1,142,909
20	1979	06/30/79		35	\$12,900	\$258	\$258	\$8,772	\$9,030	\$3,870		3003	3.27	\$ 42,124
21	1980	06/30/80		34	\$306,118	\$6,122	\$6,122	\$202,038	\$208,160	\$97,958		3237	3.03	\$ 927,337
22	1981	06/30/81		33	\$89,516	\$1,790	\$1,790	\$57,290	\$59,080	\$30,435		3535	2.77	\$ 248,315
23	1982	06/30/82		32	\$325,566	\$6,511	\$6,511	\$201,851	\$208,362	\$117,204		3825	2.56	\$ 834,640
24	1983	06/30/83		31	\$105,160	\$2,103	\$2,103	\$63,096	\$65,199	\$39,961		4066	2.41	\$ 253,616
25	1985	06/30/85		29	\$758,411	\$15,168	\$15,168	\$424,710	\$439,878	\$318,533		4195	2.34	\$ 1,772,820
26	1986	06/30/86		28	\$863,148	\$17,263	\$17,263	\$466,100	\$483,363	\$379,785		4295	2.28	\$ 1,970,669
27	1987	06/30/87		27	\$476,327	\$9,527	\$9,527	\$247,690	\$257,217	\$219,110		4406	2.23	\$ 1,060,114
28	1988	06/30/88		26	\$172,137	\$3,443	\$3,443	\$86,069	\$89,511	\$82,626		4519	2.17	\$ 373,529
29	1989	06/30/89		25	\$265,908	\$5,318	\$5,318	\$127,636	\$132,954	\$132,954		4615	2.12	\$ 565,004
30	1990	06/30/90		24	\$399,793	\$7,996	\$7,996	\$183,905	\$191,901	\$207,892		4732	2.07	\$ 828,481
31	1992	06/30/92		22	\$113,099	\$2,262	\$2,262	\$47,502	\$49,764	\$63,335		4985	1.97	\$ 222,477
32	1994	06/30/94		20	\$32,527	\$651	\$651	\$12,360	\$13,011	\$19,516		5408	1.81	\$ 58,979
33	2007	07/01/06	770	8	\$1,195,106	\$23,902	\$23,902	\$167,315	\$191,217	\$1,003,889		7966	1.23	\$ 1,471,154
34	2011	11/15/10	757	4	\$143,204	\$2,864	\$2,864	\$7,638	\$10,502	\$132,702		9070	1.08	\$ 154,824
35	2013	09/08/12	615	2	\$19,305	\$386	\$386	\$322	\$708	\$18,597		9547	1.03	\$ 19,829
36	Totals				\$7,395,303	\$147,906	\$147,906	\$4,049,741	\$4,197,647	\$3,197,655				\$ 24,202,023
37														

	A	B	C	D	AR	AS	AU	AV	AW	AX	AZ	BD	BE	BF
1														
2												Index		CCI Index
3	Estimated Useful Life:		50 years									ENR CCI - 2014		9,806
4	Current Year:		6/30/2014											
5	Const. Date	Full Constr Date	CIP	Current Age (Years)	Historical Cost	Annual Depreciation	Current Year Depreciation as of 6/30/14	Accumulated Depreciation as of 6/30/13	Accumulated Depreciation as of 6/30/14	Net Book Value as of 6/30/14		ENR CCI Index	ENR CCI Ratio	RCN (Historical Cost x CCI Ratio)
6	1964	06/30/64		50	\$51,173	\$1,023	\$1,021	\$50,151	\$51,172	\$0		936	10.48	\$ 536,110
7	1965	06/30/65		49	\$68,184	\$1,364	\$1,364	\$65,457	\$66,821	\$1,364		971	10.10	\$ 688,583
8	1966	06/30/66		48	\$95,060	\$1,901	\$1,901	\$89,357	\$91,258	\$3,802		1019	9.62	\$ 914,781
9	1967	06/30/67		47	\$51,800	\$1,036	\$1,036	\$47,656	\$48,692	\$3,108		1074	9.13	\$ 472,952
10	1968	06/30/68		46	\$74,619	\$1,492	\$1,492	\$67,157	\$68,650	\$5,970		1155	8.49	\$ 633,522
11	1971	06/30/71		43	\$25,149	\$503	\$503	\$21,125	\$21,628	\$3,521		1581	6.20	\$ 155,985
12	1972	06/30/72		42	\$11,337	\$227	\$227	\$9,296	\$9,523	\$1,814		1753	5.59	\$ 63,417
13	1973	06/30/73		41	\$59,992	\$1,200	\$1,200	\$47,993	\$49,193	\$10,798		1895	5.17	\$ 310,437
14	1974	06/30/74		40	\$121,873	\$2,437	\$2,437	\$95,061	\$97,498	\$24,375		2020	4.85	\$ 591,627
15	1975	06/30/75		39	\$91,142	\$1,823	\$1,823	\$69,268	\$71,091	\$20,051		2212	4.43	\$ 404,040
16	1976	06/30/76		38	\$12,910	\$258	\$258	\$9,554	\$9,813	\$3,098		2401	4.08	\$ 52,728
17	1977	06/30/77		37	\$102,116	\$2,042	\$2,042	\$73,524	\$75,566	\$26,550		2576	3.81	\$ 388,724
18	1978	06/30/78		36	\$206,158	\$4,123	\$4,123	\$144,311	\$148,434	\$57,724		2776	3.53	\$ 728,235
19	1979	06/30/79		35	\$6,185	\$124	\$124	\$4,206	\$4,330	\$1,856		3003	3.27	\$ 20,198
20	1980	06/30/80		34	\$97,747	\$1,955	\$1,955	\$64,513	\$66,468	\$31,279		3237	3.03	\$ 296,110
21	1981	06/30/81		33	\$34,197	\$684	\$684	\$21,886	\$22,570	\$11,627		3535	2.77	\$ 94,862
22	1982	06/30/82		32	\$62,721	\$1,254	\$1,254	\$38,887	\$40,142	\$22,580		3825	2.56	\$ 160,796
23	1983	06/30/83		31	\$30,187	\$604	\$604	\$18,112	\$18,716	\$11,471		4066	2.41	\$ 72,802
24	1985	06/30/85		29	\$204,511	\$4,090	\$4,090	\$114,526	\$118,616	\$85,894		4195	2.34	\$ 478,053
25	1986	06/30/86		28	\$197,502	\$3,950	\$3,950	\$106,651	\$110,601	\$86,901		4295	2.28	\$ 450,920
26	1987	06/30/87		27	\$106,233	\$2,125	\$2,125	\$55,241	\$57,366	\$48,867		4406	2.23	\$ 236,432
27	1988	06/30/88		26	\$63,982	\$1,280	\$1,280	\$31,991	\$33,271	\$30,711		4519	2.17	\$ 138,837
28	1989	06/30/89		25	\$78,431	\$1,569	\$1,569	\$37,647	\$39,215	\$39,215		4615	2.12	\$ 166,650
29	1990	06/30/90		24	\$80,113	\$1,602	\$1,602	\$36,852	\$38,454	\$41,659		4732	2.07	\$ 166,015
30	1992	06/30/92		22	\$30,465	\$609	\$609	\$12,796	\$13,405	\$17,061		4985	1.97	\$ 59,929
31	1994	06/30/94		20	\$12,456	\$249	\$249	\$4,733	\$4,982	\$7,473		5408	1.81	\$ 22,585
32	2007	07/01/06	770	8	\$176,669	\$3,533	\$3,533	\$24,734	\$28,267	\$148,402		7966	1.23	\$ 217,476
33	Totals				\$2,152,911	\$43,058	\$43,056	\$1,362,685	\$1,405,741	\$747,170				\$ 8,522,807
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	A	B	C	D	E	F	G	H	J	K	N	O	Q	R	S	T	V	W	X	Y
1	<b>Foster City GASB 34: Lift Stations and Generators</b>																			
2	<b>Sanitary Sewer System Network</b>																			
3																				
4	<b>Lift Stations</b>																			
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## **Appendix D: Commercial Wastewater Strength Categories**



## Example Commercial Sewer Strength Classifications

(Consistent with classifications used in the City's 2015 Water and Sewer Rate Study by Bartle Wells – Table 15)

### Low Strength

Banks & Financial Institutions  
Barber Shops/Hair Salons (hair cutting only)  
Post Offices/Government  
Retail Stores  
Libraries  
Schools  
Churches, Halls & Lodges

### Medium Strength

Appliance Repair	Pools with Restrooms (Clubhouse)
Beauty Shops (haircutting w/add'l treatments)	Theaters
Dry Cleaners	Warehouses
Nail Salons	Car Washes
Pet Groomers	High Tech Medical Manufacturing
Commercial Laundromats	Light Manufacturing/Industrial
Bars & Taverns	Gym or Health Club
Tasting Rooms	Machine Shops
Hospitals - General, Convalescent & Veterinarian	Service Stations, Garages, Auto Repair Shops
Hotels, Motels, B&Bs, and Vacation Rentals	Mini Marts – w/o dish washer or garbage disposal
Offices - Business and Professional	Mini Mart with Gas Pumps - w/o dish washer or garbage disposal
Offices - Medical/Dental	Spa with Various Beauty Treatments

### High Strength

Restaurants	Markets - with Bakeries or Butcher Shops
Coffee Shops	Mini Marts - with Dish Washer or Garbage Disposal
Ice Cream Parlors	Wineries
Catering	Market
Eatery	Dairies (milk producers, yogurt, ice cream maker)
Bakeries	Specialty Foods Manufacturing (e.g., cheese or olive oil maker)
Butcher Shops	
Fish Market/Shop	
Markets - with Dish Washer or Garbage Disposal	





HF&H Consultants, LLC  
201 N. Civic Drive, Suite 230  
Walnut Creek, CA 94596





DATE: October 17, 2016

TO: Mayor and Members of the City Council

VIA: Kevin M. Miller, City Manager

FROM: Jean Savaree, City Attorney

SUBJECT: INTERIM URGENCY ORDINANCE OF THE CITY OF FOSTER CITY  
REGULATING CULTIVATION AND PROHIBITING THE  
MANUFACTURE, PROCESSING, LABORATORY TESTING,  
LABELING, STORING, WHOLESALE, AND RETAIL DISTRIBUTION OF  
NONMEDICAL MARIJUANA IN THE CITY OF FOSTER CITY  
PURSUANT TO GOVERNMENT CODE SECTION 65858(A)

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### RECOMMENDATION

It is recommended that the City Council consider and approve the attached Interim Urgency Ordinance regulating the cultivation and distribution of nonmedical marijuana within the City of Foster City.

### BACKGROUND

Proposition 64 on the November 8, 2016 ballot (the Adult Use of Marijuana Act or "AUMA") is likely to pass according to the latest statewide polling data. If this measure is approved by a majority of voters:

1. Recreational marijuana use will be legalized.
2. Individuals 21 years or older will be allowed to grow marijuana plants indoors or outdoors.
3. The State will license and control the newly authorized commercial cultivation, processing, laboratory testing, labeling, storing, wholesale distribution and retail sale of marijuana in California.

If Proposition 64 is approved by a majority of the voters on November 8, 2016, State

licenses will be issued at any time after November 8, 2016, but no later than January 1, 2018. Once State licenses are issued, they will take precedence over subsequently enacted local zoning ordinances which seek to restrict commercial cultivation, processing, laboratory testing, labeling, storing, wholesale distribution and retail sales and outdoor cultivation for personal use<sup>1</sup>. To preserve the right to study and determine whether or not to prohibit some or all of these activities, the proposed urgency ordinance should be adopted.

## ANALYSIS

### Statutory Framework for Adoption of Urgency Ordinances

Most municipal ordinances may only be adopted at a regular meeting of the Council after two readings<sup>2</sup>. Adoption usually requires a majority vote of the Council and the ordinance normally takes effect 30 days after final passage<sup>3</sup>.

The California Government Code also provides the Council with the option of adopting an interim urgency ordinance which would take effect immediately to preserve the public peace, health or safety. The ordinance must contain a declaration of facts constituting the urgency, and must be passed by a four-fifths vote of the Council<sup>4</sup>. An urgency ordinance does not require two readings, but instead takes effect immediately after introduction at either a regular or special meeting of the City Council<sup>5</sup>.

### Required Findings for Adoption of Urgency Ordinances

The California Government Code authorizes adoption of an urgency ordinance as an interim measure “prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal which the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time.”<sup>6</sup> The interim urgency ordinance requires a four-fifths vote of the Council for adoption and is effective for 45 days from the date of adoption.<sup>7</sup> The interim ordinance may be extended twice: initially for an additional 10 months and 15 days; and subsequently for one year. Any extension requires a four-fifths vote for adoption and no more than two extensions may be adopted.<sup>8</sup>

### Findings for Adoption of Interim Ordinance

As a prerequisite to adopting or extending an interim ordinance, the Government Code requires the Council to make findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional land use entitlements would result in that threat to public health, safety, or welfare.

## The Proposed Ordinance

The proposed urgency ordinance would establish, during the term of the ordinance, a ban on commercial cultivation, processing, laboratory testing, labeling, storing, wholesale distribution and retail sale and outdoor cultivation for personal use. If adopted, this ordinance would allow the City to retain the right to fully study and determine whether it wishes to allow any of the above-referenced commercial marijuana uses or outdoor cultivation for personal use, and if so, under what circumstances.

Finally, the urgency ordinance preserves the City's ability to later enact other health and safety regulations, such as required security measures, regarding legal indoor cultivation for personal use which cannot be banned if Proposition 64 passes.

## CONCLUSION

Staff believes that there is a current and immediate threat to the public health, safety and welfare posed by the approval of Proposition 64 if this occurs prior to the City enacting comprehensive regulations regarding both commercial and noncommercial marijuana uses and cultivation. Staff therefore recommends that the Council adopt the interim urgency ordinance which would be applicable immediately and for 45 days thereafter. This would allow time for the Council to consider and adopt comprehensive marijuana land use regulations. Should the process not be completed within 45 days, the Council, by a 4/5 vote, could extend the ordinance for two additional time periods: 10 month and 15 days, followed by a one-year extension to allow additional time to adopt comprehensive regulations.

## FISCAL IMPACT

There are minimal fiscal implications associated with this proposed Ordinance. Depending on the number of residential cultivation complaints, there could be increased code compliance costs.

## Attachments:

### 1. Interim Urgency Ordinance

<sup>1</sup>Pursuant to Health & Safety Code Section 11362.777(b)(3), the City effectively banned commercial marijuana business, such as dispensaries and commercial grow houses, through adoption of Resolution 2016-20 on February 16, 2016. However, if Proposition 64 passes, the City will need to explicitly prohibit commercial marijuana business within its zoning ordinance prior to the issuance of a State license.

<sup>2</sup>Government Code (GC) Section 36934

<sup>3</sup>GC 36936 & 36937

<sup>4</sup>Id.

<sup>5</sup>GC 36934

<sup>6</sup>GC 65858(a)

<sup>7</sup>Id.

<sup>8</sup>Id.

ORDINANCE NO. \_\_\_\_\_

AN INTERIM URGENCY ORDINANCE OF THE CITY OF FOSTER CITY REGULATING CULTIVATION AND PROHIBITING THE MANUFACTURE, PROCESSING, LABORATORY TESTING, LABELING, STORING, WHOLESALE, AND RETAIL DISTRIBUTION OF NONMEDICAL MARIJUANA IN THE CITY OF FOSTER CITY PURSUANT TO GOVERNMENT CODE SECTION 65858(a)

CITY OF FOSTER CITY

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES ORDAIN, as follows:

SECTION 1: FINDINGS.

WHEREAS, the City Council finds that it is necessary for the City Staff, Planning Commission, and City Council to study, develop, and adopt regulations within a reasonable time regarding the cultivation of nonmedical marijuana in the City of Foster City; and

WHEREAS, members of the public have expressed concern to the City Council regarding the potential passage of Proposition 64 (the Adult Use of Marijuana Act “AUMA”) on the November 8, 2016 ballot and want to be prepared with reasonable regulations of nonmedical marijuana should it pass; and

WHEREAS, the City Council finds and declares that there is a current and immediate threat to the public peace, health, welfare, and safety, specifically including possible permanent damage to the City’s aesthetic, health and safety, and economic interests arising from the potential gap in regulation of cultivation and distribution of nonmedical marijuana should Proposition 64 pass; and

WHEREAS, the cultivation of marijuana and medical marijuana dispensaries are currently prohibited under the City’s permissive zoning regulations pursuant to Foster City Resolution 2016-20; and

WHEREAS, the City Council desires to enact this interim urgency ordinance to expressly clarify that the manufacture, processing, laboratory testing, labeling, storing, wholesale distribution, and retail sale of marijuana, whether medical or recreational, are prohibited in all zones throughout the City; and

WHEREAS, the immediate ban of all commercial or industrial marijuana activities will enable the City to develop a comprehensive approach to marijuana, including analysis of the provisions of Proposition 64’s amendments and additions to the

California Health and Safety Code, if passed, as well as regulation of presently unregulated delivery services; and

WHEREAS, the citizens of Foster City will be well-served if the City more fully addresses the potential impacts of marijuana cultivation for personal use by Foster City residents; and

WHEREAS, the most appropriate way to ensure public review and consideration and to prevent a potential gap in regulation of the cultivation and distribution of nonmedical medical marijuana in the City is to enact an urgency ordinance; and

WHEREAS, there is an immediate need to prevent unregulated nonmedical marijuana grows in the City of Foster City, which have the potential to affect the character and aesthetic of the community; and

WHEREAS, this interim ordinance is necessary to prevent potential “grandfathering” of nonmedical outdoor marijuana grows on private residences; and

WHEREAS, the City Council finds that it is necessary to protect the health, safety, and welfare, and specifically the City’s and the public’s interests in the City’s aesthetic, economic, health, safety, and community character until additional staff review has been completed and any necessary code revisions have been adopted and made effective by the City Council; and

WHEREAS, the City Council directs City staff to continue to study the issue of nonmedical commercial cultivation, manufacture, processing, laboratory testing, labeling, storing, wholesale, distribution, and retail of marijuana. The City Council also directs staff to study the issue of nonmedical cultivation, processing, and storing of marijuana for personal, private use.

## SECTION 2: REGULATION.

The following regulation is hereby imposed. This regulation shall prevail over any conflicting provisions of the Foster City Municipal Code or the other ordinances, resolutions, policies, and regulations of the City of Foster City.

1. Any commercial or industrial use involving marijuana, including but not limited to manufacture, processing, laboratory testing, labeling, storing, wholesale, distribution, and retail, is prohibited in every zoning district in the City.
2. Outdoor cultivation of marijuana is prohibited in every zoning district in the City. Indoor cultivation of marijuana is limited to residential districts, is limited to six (6) plants per residence, and must be entirely for the

personal use of a resident of the residence who is twenty-one (21) years of age or older. The City reserves the right to enact regulations regarding the indoor cultivation of marijuana at a later date.

3. For purposes of this interim urgency ordinance, the term “marijuana” shall mean all items included in Health and Safety Code Sections 11018 and 11018.1. The term “indoor cultivation” shall mean cultivation inside a fully enclosed private residence as defined in Health and Safety Code Section 11362.2(b)(2). The term “outdoor cultivation” shall mean any cultivation that is not defined as indoor cultivation as defined in Health and Safety Code Section 11362.2(b)(2).

#### SECTION 3: INTERIM URGENCY ORDINANCE.

The City Council does hereby, pursuant to Government Code Section 65858 (a), impose an interim urgency ordinance for forty-five (45) days, issuing interim regulations as stated in Section 2, above.

#### SECTION 4: EFFECTIVE DATE.

Enforcement of this interim urgency ordinance shall be suspended until November 9, 2016, and shall be automatically void should Proposition 64 fail to pass on November 8, 2016.

#### SECTION 5: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Foster City hereby declares that it would have adopted this Ordinance and such section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 6: This is an interim urgency ordinance and requires a 4/5 vote of approval of all of the members of the City Council and goes into effect immediately upon its adoption.

SECTION 7: This interim urgency ordinance shall be published once within fifteen (15) days of its adoption. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the 17th day of October, 2016 and passed and adopted on the 17th day of October, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

HERB PEREZ, MAYOR

ATTEST:

---

DORIS L. PALMER, CITY CLERK





DATE: October 17, 2016

TO: Mayor and Members of the City Council

VIA: Kevin M. Miller, City Manager

FROM: Doris Palmer, Communications Director/City Clerk  
Jean Savaree, City Attorney

SUBJECT: ADDING SECTION 2.08.390, GENERAL MUNICIPAL ELECTIONS DESIGNATED, TO CHAPTER 2.08, CITY COUNCIL, OF TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE FOSTER CITY MUNICIPAL CODE TO CONSOLIDATE MUNICIPAL ELECTIONS WITH STATEWIDE ELECTIONS BEGINNING IN 2018, AS MANDATED BY SENATE BILL NO. 415

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### RECOMMENDATION

It is recommended that the City Council introduce an Ordinance adding Section 2.08.390, General Municipal Elections Designated, to Chapter 2.08, City Council, of Title 2, Administration and Personnel, of the Foster City Municipal Code to consolidate municipal elections with statewide elections beginning in 2018, as mandated by Senate Bill 415, and waive further reading.

### BACKGROUND

On October 4, 2016, the City Council, by Minute Order No. 1474, directed staff to prepare an ordinance for City Council introduction consolidating the City's local elections with statewide elections beginning in 2018 as required by Senate Bill No. 415 (SB 415). The ordinance is now before the City Council for introduction.

### ANALYSIS

On October 4, 2016, the City Council -considered SB 415, the California Voter Participation Rights Act (codified in Elections Code sections 14050 to 14057), which was approved by the

Governor on September 1, 2015. SB 415 affects the years in which Foster City (City) may hold its elections.

In an effort to increase local voter turnout, SB 415 requires cities to consolidate their elections with the statewide election date if holding an election on a non-concurrent date has previously resulted in a significant decrease in voter turnout. The City has had a “significant decrease in voter turnout” on election dates that were not concurrent with statewide elections as demonstrated by the following table.

<b>SB 415 - Percent Turnout per Election</b>								
<b>Municipal Elections</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>
Foster City	40.1%	45.7%	27.9%	80.6%	35.6%	65.0%	29.0%	80.5%
# Registered Voters	14,941	15,051	15,373	15,553	14,462	15,068	15,102	17,100

At the October 4, 2016 City Council meeting, the City Council was provided with options available in order to comply with SB 415. The City Council directed City staff to prepare an ordinance that would consolidate future non-special municipal elections with the statewide elections, starting on January 1, 2018, thereby extending all incumbent elected officials’ terms by one year.

In order to implement this direction, staff has drafted the attached Ordinance to add Section 2.08.390, General Municipal Elections Designated, to Chapter 2.08, City Council, of Title 2, Administration and Personnel, of the Foster City Municipal Code, thereby consolidating the City’s general municipal election with the statewide election beginning in 2018. The terms of currently seated elected officials would be extended by no more than 12 months pursuant to Elections Code section 10403.5, subdivision (b). Elected officials whose terms are scheduled to end in 2017 will have their terms extended to 2018 and elected officials whose terms are scheduled to end in 2019 will have their terms extended to 2020.

Once the Ordinance is adopted, it will then require approval of the County Board of Supervisors. Within thirty (30) days after the approval by the County Board of Supervisors, the City Clerk will send out a notice to all registered voters in the City informing them of the change in the general municipal election date and elected officials’ terms affected by the Ordinance, as per Election Code section 10403.5, subdivision (e).

If the City fails to comply with SB 415 and holds a non-concurrent, odd-numbered year municipal election after 2018 without a plan in place to align the local elections with the statewide elections by 2022, the City would be subject to a lawsuit initiated by any local voter. The same would be true if the City held an off-cycle, odd-numbered year regular election any

time after 2022, even with a plan in place.

### CONCLUSION

It is recommended that the City Council introduce an Ordinance adding Section 2.08.390, General Municipal Elections Designated, to Chapter 2.08, City Council, of Title 2, Administration and Personnel, of the Foster City Municipal Code to consolidate municipal elections with statewide elections beginning in 2018, as mandated by Senate Bill No. 415, and waive further reading.

### FISCAL IMPACT

The initial cost savings to the City of consolidating its 2017 election with the statewide 2018 election is unknown, and will depend on how many other jurisdictions must consolidate their off-cycle elections with the statewide elections, but it is anticipated that the City will realize some election related cost savings beginning in 2018.

### Attachment:

- Ordinance Adding Section 2.08.390, General Municipal Elections Designated, to Chapter 2.08, City Council, of the Foster City Municipal Code

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FOSTER CITY ADDING SECTION 2.03.390, GENERAL MUNICIPAL ELECTIONS DESIGNATED, OF CHAPTER 2.08, CITY COUNCIL, OF TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE FOSTER CITY MUNICIPAL CODE, RELATING TO GENERAL MUNICIPAL ELECTIONS DESIGNATED

CITY OF FOSTER CITY

WHEREAS, following the enactment of Senate Bill No. 415, all California cities with municipal elections held in a year that was not concurrent with statewide elections and resulted in a significant decrease in voter turnout must align its municipal elections with the statewide elections beginning in 2018 or have a plan in place to do so by 2022; and

WHEREAS, the City wishes to align the City's general municipal elections with statewide elections beginning in 2018.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES ORDAIN, as follows:

Section 1. §1 of Ordinance 552 (part) of the Foster City Municipal Code Chapter 2.08 is amended by addition of Section 2.08.390 to read as follows:

Section 2.08.390 General Municipal Elections Designated

After January 1, 2018, the general municipal elections of the city shall be consolidated with the statewide election date in accordance with Elections Code sections 1301, 10000 to 10735, and 14050 to 14057, as amended. The terms for the local elected officials that are scheduled to end in 2017 and 2019 are hereby extended by 12 months. As used in this section, "12 months" means the period between the day upon which the term of office would otherwise have commenced and the first Tuesday after the second Monday in the 12th month before or after that day, inclusive.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 3. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 4. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the 4<sup>th</sup> day of October, , 2016 and passed and adopted on the \_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

HERB PEREZ, MAYOR

ATTEST:

---

DORIS L. PALMER, CITY CLERK



**City of Foster City, CA**  
**Accounts Payable Check Register**

Check Date	Check Number	Vendor Name	Description	Check Amount
9/28/2016	124932	ASMA HAMEED	CLASS REFUND: SOCCER	116.00
9/28/2016	124933	CHEVRON & TEXACO BUSINESS CARD SERVICES	GAS	66.02
9/28/2016	124934	CINTAS CORPORATION	UNIFORM/LAUNDRY SERVICE	1,671.00
9/28/2016	124935	COMCAST	DIGITAL ADAPTER	63.84
9/28/2016	124936	DANFENG YAO	CLASS REFUND:PUBLIC SPEAKING	735.00
9/28/2016	124937	ELDORADO FORKLIFT COMPANY	LABOR AND REPAIRS	82.68
9/28/2016	124938	G.P. SPORTS, INC.	KAWASAKI JET SKIS AND BOARDS FOR FIRE RESCUE	23,398.04
9/28/2016	124939	GEETA BHAGWANANI	CLASS REFUND:BEGINNING PIANO	237.00
9/28/2016	124940	GLENN YOUNG	CLASS REFUND:TENNIS	260.00
9/28/2016	124941	GYM PRECISION INC.	CABLE REPLACEMENT	304.00
9/28/2016	124942	JIYEON AHN	CLASS REFUND: ART	330.00
9/28/2016	124943	LEADERSHIP PROGRAM	2017 LEADERSHIP PROGRAM: PRISCILLA TAM	1,600.00
9/28/2016	124944	PACIFIC GAS & ELECTRIC COMPANY	ELECTRIC & GAS/CULDESACS	1,778.95
9/28/2016	124945	PAPA	PAPA SEMINAR: JIM MOYNIHAN	80.00
9/28/2016	124946	PICASSO PAINTING	LIBRARY BUILDING PAINTING	5,480.00
9/28/2016	124947	SOUTHERN COUNTIES OIL COMPANY	GAS	16,636.78
9/28/2016	124948	T.H.E. OFFICE CITY	CREDIT MEMO-OFFICE SUPPLIES	77.76
9/28/2016	124949	VALLEY OIL COMPANY	GAS	10,007.79
9/28/2016	124950	ZHIMING GU	CLASS REFUND: CERAMICS	85.00
				63,009.86

Submitted for Information:

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Edmund Suen, City Treasurer

CHECKS ON THIS REGISTER PROCESSED AND MAILED ON RUSH REGISTER OF SEPTEMBER 28, 2016

11.1-1

**City of Foster City, CA**  
**Accounts Payable Check Register**

Check Date	Check Number	Vendor Name	Description	Check Amount
10/5/2016	124951	AARONSON, DICKERSON, COHN & LANZONE	PROFESSIONAL SERVICES SEPTEMBER 2016	46,125.00
10/5/2016	124952	ABAG PLAN CORPORATION	ABAG LEGAL FEES	898.59
10/5/2016	124953	STEVEN ARCHER	LONGEVITY 9/16/16-10/15/16	140.00
10/5/2016	124954	AT&T	BUSINESS PHONE LINE ACCOUNT	340.04
10/5/2016	124955	CATHOLIC CHARITIES CYO	BUSINESS SERVICES-CAMP TRANSPORTATION	17,049.00
10/5/2016	124956	THE CITIES GROUP	DENTAL INSURANCE PREMIUM OCTOBER 2016	4,983.00
10/5/2016	124957	WILLIAM CLARK	LONGEVITY 9/16/16-10/15/16	210.00
10/5/2016	124958	LEWIS ERIC EGAN	LONGEVITY 9/16/16-10/15/16	210.00
10/5/2016	124959	ELDORADO FORKLIFT COMPANY	LABOR - REPAIRS	248.04
10/5/2016	124960	FOSTER CITY FIREFIGHTERS #2400	UNION DUES SEPTEMBER 2016	3,942.00
10/5/2016	124961	FOSTER CITY FIREFIGHTERS ASSOCIATION	ASSOCIATION DUES:SEPTEMBER 2016	1,595.00
10/5/2016	124962	HUB INTL INSURANCE SERVICES INC.	INSURANCE PREMIUM SEPTEMBER 2016	2,083.78
10/5/2016	124963	HUMAN INVESTMENT PROJECT INC.	HIP MANAGEMENT FEES OCTOBER 2016	1,200.00
10/5/2016	124964	MOSHE JOSHUA	LONGEVITY 9/16/16-10/15/16	275.00
10/5/2016	124965	KAISER FOUNDATION HEALTH PLAN	OCCUPATIONAL HEALTH SERVICES	791.00
10/5/2016	124966	MERCURY TOURS	FALL CAMP FIELD TRIP	650.00
10/5/2016	124967	METLIFE-GROUP BENEFITS	GROUP#KM05922100 VISION	172.50
10/5/2016	124968	O.C. JONES & SONS, INC.	CIP621 VINTAGE OVERCROSS	3,079.09
10/5/2016	124969	PACIFIC GAS & ELECTRIC COMPANY	ELECTRIC & WATER BOOSTER STREET	5,267.82
10/5/2016	124970	PIERRE MORRISON	POST TRAINING:MORRISON	2,032.08
10/5/2016	124971	SAN MATEO-FOSTER CITY SCHOOL DISTICT	FACILITY USE AT AUDUBON SCHOOL	1,524.22
10/5/2016	124972	DAVID VILLANUEVA	LONGEVITY 9/16/16-10/15/16	200.00
10/5/2016	124973	VISION SERVICE PLAN - (CA)	VISION INSURANCE PREMIUM: OCTOBER 2016	487.92
10/5/2016	124974	WE GO LOGO	POLO, SHIRTS, AND JACKETS FOR RECREATION	1,731.85
				<hr/> 95,235.93

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**City of Foster City, CA**  
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Check Date	Check Number	Vendor Name	Description	Check Amount
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Submitted for Information:

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Edmund Suen, City Treasurer

CHECKS ON THIS REGISTER PROCESSED AND MAILED ON RUSH REGISTER OF OCTOBER 5, 2016

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**Accounts Payable Check Register**

Check Date	Check Number	Vendor Name	Description	Check Amount
10/10/2016	124975	AMERICAN WATER WORKS ASSOCIATION	MEMBERSHIP FEES: LEONOUDAKIS	105.00
10/10/2016	124976	ARMANDO MACHADO	DEPOSIT REFUND: LAGOON ROOM	500.00
10/10/2016	124977	BAYSIDE BUILDING MATERIALS	MISCELLANEOUS SUPPLIES PARKS PROGRAM	946.19
10/10/2016	124978	BENNETT MARINE UTILITY INC.	WATER MAIN EXTENSION WORK	1,885.00
10/10/2016	124979	BORDEN DECAL	PARK DECALS WTH CITY LOGO	2,893.75
10/10/2016	124980	BURKE, WILLIAMS & SORENSEN, LLP	PROFESSIONAL SERVICES JULY 2016	2,293.20
10/10/2016	124981	CALIFORNIA STATE LANDS COMMISSION	STAFF COST AUGUST 2016	961.88
10/10/2016	124982	CASHIER, DPR	QUALIFIED APPLICATION CERTIFICATION	60.00
10/10/2016	124983	CENTRAL COUNTY FIRE DEPT.	REPAIR DAMAGE BRAKE SHOE	1,405.28
10/10/2016	124984	THE CITIES GROUP	WORKERS COMPENSATION & LIFE INSURANCE	695,553.40
10/10/2016	124985	CITY OF BURLINGAME	TOURISM ASSESSMENT:SEPTEMBER	14,845.20
10/10/2016	124986	CITY OF SAN MATEO	CITY SERVICE REIMBURSEMENT	800.00
10/10/2016	124987	CLARK PEST CONTROL	PEST AWAY SERVICES-PARKS	764.00
10/10/2016	124988	CONNIE CHEN	CLASS REFUND:BALLET	5.00
10/10/2016	124989	CONNIE IM	LAWN BE GONE: 209 PORT	1,356.00
10/10/2016	124990	CORODATA RECORDS MANAGEMENT INC	OFF-SITE STORAGE	89.38
10/10/2016	124991	CSAC EXCESS INSURANCE AUTHORITY	INSURANCE AUTHORITY OCTOBER-DECEMBER 16	2,997.00
10/10/2016	124992	CSG CONSULTANTS INC.	D519:309 VELOCITY WAY	2,830.00
10/10/2016	124993	CWEA-TCP	MEMBERSHIP FEES:JUAN-CARLOS RUIZ	255.00
10/10/2016	124994	DAVID ORLANDO	EMPLOYEE REIMBURSEMENT	57.00
10/10/2016	124995	DIAZ, LUIS	VISION REIMBURSEMENT	198.00
10/10/2016	124996	DUKES SALES & SERVICE, INC.	JET POWER II	2,790.40
10/10/2016	124997	ELMER PONG	CLASS REFUND:PRE-BALLET	110.00
10/10/2016	124998	ENEDINA VELASQUEZ	DEPOSIT REFUND: LAGOON ROOM	450.00
10/10/2016	124999	ESTERO UTILITY SERVICES	WATER SERVICE-3470 E 3RD AV B	910.35
10/10/2016	125000	EWING IRRIGATION PRODUCTS	MISCELLANEOUS SUPPLIES PARKS PROGRAM	680.63

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10/10/2016	125001	FASTENAL COMPANY	SAFETY SUPPLIES	77.23
10/10/2016	125002	FORELAND PARTS INC.	AUTO PARTS	140.56
10/10/2016	125003	GAIL CHANG	LAWN BE GONE:217 BOOTHBAY	1,094.00
10/10/2016	125004	GOLDEN STATE FLOW MEASUREMENT INC.	OMNI C2 CHAMBER METER	2,745.42
10/10/2016	125005	GOODYEAR COMMERCIAL TIRE CENTER	TIRE SERVICES	1,791.56
10/10/2016	125006	GRAINGER	MISCELLANEOUS SUPPLIES BUILDING PROGRAM	172.96
10/10/2016	125007	GRANITE ROCK COMPANY #26462	MISCELLANEOUS SUPPLIES WATER PROGRAM	118.79
10/10/2016	125008	GUERRA, ROGELIO	VISION REIMBURSEMENT	200.00
10/10/2016	125009	HOME DEPOT CREDIT SERVICES	MISCELLANEOUS SUPPLIES PARKS PROGRAM	2,468.29
10/10/2016	125010	IGNACIO DONCEL	CLASS REFUND:PRE-BALLET	110.00
10/10/2016	125011	IRINA BELOBROV	CLASS REFUND:BALLET	110.00
10/10/2016	125012	IRRIGATION ASSOCIATION MEMBERSHIP	MEMBERSHP RENEWAL:2017	150.00
10/10/2016	125013	JAMES ECHEVERRIA	CE COURSE: J ECHEVERRIA	100.00
10/10/2016	125014	JIM MOYNIHAN	VISION REIMBURSEMENT:JIM MOYNIHAN	200.00
10/10/2016	125015	JULIE SMITH	VISION REIMBURSEMENT:JULIE SMITH	200.00
10/10/2016	125016	JW ENTERPRISES	PORTABLE TOILET RENTAL	75.50
10/10/2016	125017	KELLY-MOORE PAINT COMPANY INC.	PAINT SUPPLIES	331.49
10/10/2016	125018	KITAHATA & COMPANY	FINANCIAL ADVISORY SERVICE FY 2016/2017	1,181.25
10/10/2016	125019	LI LIANG	CLASS REFUND:FINANCE	199.00
10/10/2016	125020	LINDA JIMENEZ	CLASS REFUND:TAP INTRODUCTION	110.00
10/10/2016	125021	LOCAL GOVERNMENT COMMISSION	PROFESSIONAL SERVICES AUGUST 2016	2,127.28
10/10/2016	125022	LORAL LANDSCAPING INC.	TREE TRIMMING SERVICES	15,056.00
10/10/2016	125023	MAC TOOLS	SMALL TOOLS-PARKS	134.42
10/10/2016	125024	MARTHA BRONITSKY	SYNTHETIC TURF:756 NIANTIC DR	2,072.00
10/10/2016	125025	METRO LIGHTING DBA WESCHEM INC.	LIGHTING SUPPLIES	870.08
10/10/2016	125026	MITA PATEL	DEPOSIT REFUND: LAGOON ROOM	500.00

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Check Date	Check Number	Vendor Name	Description	Check Amount
10/10/2016	125027	NANCY DONALDSON	EMPLOYEE REIMBURSEMENT	32.00
10/10/2016	125028	NBC SUPPLY CORP	MISCELLANEOUS SUPPLIES SEWER PROGRAM	294.30
10/10/2016	125029	OFFICE DEPOT	OFFICE SUPPLIES-POLICE	379.14
10/10/2016	125030	OTIS ELEVATOR COMPANY	ELEVATOR MAINTAINCE SERVICES	1,651.47
10/10/2016	125031	PACIFIC AUXILIARY FIRE CO	FIRE ALARM INSPECTION SERVICE	1,054.00
10/10/2016	125032	PACIFIC GAS & ELECTRIC COMPANY	ELECTRICITY & GAS/MEDIAN	72.56
10/10/2016	125033	PALACE GARAGE INC.	TOWING SERVICE FOR FIRE ENGINE	577.50
10/10/2016	125034	PARTNERS IN RECOGNITION	SPORTS WALL FAME PLAQUES	220.80
10/10/2016	125035	PENINSULA POWER WASH	PRESSURE WASHING SERVICES	2,370.00
10/10/2016	125036	PETTY CASH/ PUBLIC WORKS ENGINEERING	PETTY CASH:PUBLIC WORKS ENGINEERING	54.23
10/10/2016	125037	PIN-YING CHOU	SYNTHETIC TURF:351 CHESAPEAKE	3,688.00
10/10/2016	125038	PROMONTORY POINT TOWNHOMES	LAWN BE GONE REBATE	10,000.00
10/10/2016	125039	PRUDENTIAL OVERALL SUPPLY	TOWEL/UNIFORM LAUNDRY SERVICE	65.58
10/10/2016	125040	R.E.P.NUT N BOLT GUY	CIP 645:SUPPLIES LIFT STATION 59	676.98
10/10/2016	125041	R&B COMPANY	MISCELLANEOUS SUPPLIES STREET PROGRAM	3,132.07
10/10/2016	125042	ROBERT CANADAS CUSTOM TRACTOR WORK	DISCING LAGOON SPOIL AREA	1,600.00
10/10/2016	125043	ROBERTS & BRUNE	IRRIGATION PARTS/SUPPLIES	785.96
10/10/2016	125044	RUMIKO TACHIBANA	CLASS REFUND:BALLET	120.00
10/10/2016	125045	RYAN MCFADDEN	CLASS REFUND:PRE-BALLET	110.00
10/10/2016	125046	SAFETY-KLEEN SYSTEMS, INC	AUTO FLUID WASTE DISPOSAL	65.00
10/10/2016	125047	COUNTY OF SAN MATEO	SAN MATEO-INFORMATION SERVICES	1,920.33
10/10/2016	125048	SAN MATEO LAWN MOWER SHOP	MISCELLANEOUS SUPPLIES PARKS PROGRAM	381.67
10/10/2016	125049	SANAM SEDIGHI	DEPOSIT REFUND: LAGOON ROOM	450.00
10/10/2016	125050	SANGEETA WALSH	CLASS REFUND:KIDZ DAY	116.00
10/10/2016	125051	SANGHA HAN	CLASS REFUND:PRE-BALLET	110.00
10/10/2016	125052	SCHAAF & WHEELER CONSULTING	D530:BIOMED FINE GRADING	64,869.94

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10/10/2016	125053	SIGNATURE BUILDERS, INC	CONSTRUCTION AND DEMOLITION	500.00
10/10/2016	125054	SKANSKA USA BUILDING, INC	CONSTRUCTION AND DEMOLITION	192.00
10/10/2016	125055	SOFTWAREONE INC.	MICROSOFT LICENSE FY 2016/2017	54,606.23
10/10/2016	125056	STATE OF CALIFORNIA JUSTC DEPT	FINGERPRINTING SERVICES	241.00
10/10/2016	125057	T.H.E. OFFICE CITY	CITYWIDE OFFICE SUPPLIES	822.10
10/10/2016	125058	THE FIBAR GROUP LLC.	ENGINEERED WOOD FIBER	2,978.29
10/10/2016	125059	THERMAL MECHANICAL INC.	HVAC REPAIRS/MAINTAINCE & SERVICES	5,729.85
10/10/2016	125060	THOMAS SARSFIELD	INSTRUCTOR FEE:TENNIS	1,771.00
10/10/2016	125061	TIFCO INDUSTRIES	AUTO SHOP SUPPLIES	168.68
10/10/2016	125062	TOWNE FORD SALES	AUTO PARTS	1,652.64
10/10/2016	125063	UNITED LABORATORIES	MISCELLANEOUS SUPPLIES SEWER PROGRAM	1,487.03
10/10/2016	125064	URBAN PLANNING PARTNERS INC.	PROFESSIONAL SERVICES AUGUST 2016	12,312.50
10/10/2016	125065	VAVRINEK, TRINE, DAY & COMPANY., LLP.	AUDIT SERVICES AUGUST 2016	6,500.00
10/10/2016	125066	VERDE DESIGN	PROFESSIONAL SERVICES CIP359	5,372.50
10/10/2016	125067	VERITIV OPERATING COMPANY	BUILDING JANITORIAL SUPPLIES	1,797.95
10/10/2016	125068	WATERLOGIC WEST, INC.	WATER DISTILLER RENTAL	606.68
10/10/2016	125069	WATERWORKS INDUSTRIES	FOUNTAIN SERVICE SEPTEMBER 2016	455.00
10/10/2016	125070	WILLIAM EUPHRAT MUNICIPAL FINANCE	FINANCIAL ADVISORY SERVICE FY 2016/2017	281.25
10/10/2016	125071	WORKERS.COM	PUBLIC WORKS TEMPORARY MAINTANCE WORKERS	3,036.00
10/10/2016	125072	YEO, SALLY	OFFICE SUPPLIES-POLICE	54.49
10/10/2016	125073	YUKARI OKA	CLASS REFUND:BALLET	110.00
10/10/2016	125074	ZALLES RACQUET SPORTS	INSTRUCTOR FEE: TENNIS	2,107.00
				<hr/> 965,657.21

Prepared Date 10/10/2016

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Submitted for Information:

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Edmund Suen, City Treasurer

CHECKS ON THIS REGISTER PROCESSED AND MAILED ON OCTOBER 10, 2016

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