



BRISBANE CITY COUNCIL

ACTION MINUTES

DRAFT

MONDAY, FEBRUARY 4, 2013

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

6:30 P.M. CALL TO ORDER – CLOSED SESSION

- A. Conference with Real Property Negotiator regarding APN # 007-502-110 (Brisbane Acres Lot 98), pursuant to Government Code Section 54956.8**
- B. Conference with Real Property Negotiator regarding APN #'s 007-281-080, 007-281-070, 007-281-100 (163 Visitacion Ave & adjoining properties), pursuant to Government Code Section 54956.8**
- C. Conference with legal counsel on one case of potential litigation, pursuant to Government Code Section 54956.9**

City Attorney Toppel reported that direction was given to open negotiations with the property owner on Brisbane Acres Lot 98, to obtain an appraisal on the 163 Visitacion property, and to work with the workers compensation adjuster on settling the case of potential litigation.

CALL TO ORDER – FLAG SALUTE

Mayor Miller called the regular meeting to order and led the flag salute.

ROLL CALL

Councilmember's present:	Conway, Lentz, O'Connell, and Mayor Miller
Councilmember's absent:	None
Staff present:	City Manager Holstine, Administrative Services Director Schillinger, City Clerk Spediacci, City Attorney Toppel, Community Development Director Swiecki, Police Chief Macias, Financial Services Manager Cooper

ADOPTION OF AGENDA (Deletions, Additions, Changes and Adoption)

CM Conway asked that the meeting be closed in memory of Ted Saylor, and then made a motion, seconded by CM O'Connell, to adopt the agenda as amended. The motion carried unanimously by all present.

ORAL COMMUNICATIONS NO. 1

Claudia Crook spoke regarding the recent samTrans Meetings regarding the Route 292 proposed changes. She asked that Council continue to stay on top of this issue.

Sonny Hoya also spoke regarding the proposed samTrans Route 292 changes. He thanked Council and staff for attending the recent meetings and acknowledged the difference it made. He urged the City to stay on top of the issue.

Steve Rodriguez thanked the Council for all of the work and asked that they keep fighting for the samTrans 292 Route.

Wayne Hendryx expressed his concern over the deferred maintenance of the docks at the Brisbane Marina. He asked what progress had been made since the last time this was discussed by the Council. City Manager Holstine responded that staff has been working on this issue and that an action plan would be coming before the Council at their April meeting.

CONSENT CALENDAR

Mayor Miller asked to remove Item A, and CM Conway asked to remove Item F.

- B. Approve City Council Minutes of December 3, 2012**
- C. Approve City Council Minutes of December 17, 2012**
- D. Approve Monthly Investment Report as of October 31, 2013**
- E. Adopt Resolution 2013-02 concerning wages, hours and working conditions for the Police Commander effective January 1, 2013**

CM Conway made a motion, seconded by CM O'Connell, to approve Consent Calendar Items B, C, D, & E as proposed. The motion was carried unanimously by all present.

- A. Approve City Council Minutes of November 26, 2012**

Mayor Miller corrected the sentence at the bottom of page two to say "Solano Street" instead of Sierra Point Road. CM O'Connell made a motion, seconded by CM Conway, to approve the minutes as amended. The motion carried unanimously by all present.

- F. Approve the Open Space and Ecology Committee (OSEC) public forum to view and have a discussion of the documentary "No Deposit No Return" in March, 2013**

CM Conway thanked the OSEC and staff for putting this together. He said that citizens will be very enlightened by watching it. Councilmembers discussed the various options regarding dates, the possibility of coinciding it with Earth Day, involving school children with an art project, involving the Friend of the Brisbane Library, and about serving refreshments at the public forum.

Michele Salmon indicated that there should be a master of the documentary in the City archives that would be a higher quality to show. She said that the OSEC education subcommittee thought this was a perfect easy to kick-off providing basic information in ecology and garbage issues. She also indicated that Dolores Gomez would be there to tell a few stories.

Carolyn Parker suggested that a Garbage Art Project might be a way to get people involved.

After further Council discussion, CM Conway made a motion, seconded by CM O'Connell, to approve the public forum with the additions proposed. The motion was carried unanimously by all present.

OLD BUSINESS

A. Update on City Council Vacancy

City Clerk Spediacci indicated that at the City Council Meeting of January 14th the Council discussed the various options for filling the Council vacancy due to the retirement of Sepi Richardson. At that meeting, Council continued the matter to get further clarification from legal counsel on the need to make an appointment within the 60 day time frame as opposed to making a decision to appoint within the 60 day time frame.

She said that Legal Counsel Armento, who was filling in for City Attorney Toppel at that meeting, further researched the matter and confirmed that the actual appointment would need to be made within the 60 day time frame, or in this case, by February 27, 2013.

City Attorney Toppel said that he concurred with this opinion.

Greg Anderson asked that the Council make a decision to appoint someone, and said that although it might be best to have a past Councilmember with experience, it should be an open process.

Wayne Hendryx concurred with Mr. Anderson and stated that experience in this case would be important.

Michele Salmon stated her opinion that the current four-member Council would be able to carry through just fine until November and advocated for calling an election.

Carolyn Parker concurred with Ms. Salmon and advocated for calling an election for November.

After Councilmember discussion and clarification, direction was given to staff to bring back a resolution calling an election in November, 2013.

NEW BUSINESS

A. Receive the report and direct staff to continue the process of refunding the 2001 A Brisbane Public Financing Authority (BPFA) Bonds

Administrative Services Director gave a background and history of development of the Marina and the different tax anticipation notes and tax allocation bonds that had been issued over the years. He talked about the history of beginning the process to refinance these bonds and the difficulty due to the Community College District lawsuit and then the subsequent elimination of Redevelopment Agencies.

He said that staff had more recently been working with its financial advisor to determine the feasibility of refinancing the bonds and their indication that the City could save about \$185,000 a year or \$1,600,000 net present value savings over the life of the bonds. He then talked about the Community College District being approached by Morgan Stanley to do a County-wide refinancing and the difficulties with that approach.

He indicated that the next step in the process would be to take this issue to the Oversight Board for their review and approval.

After Councilmember discussion and clarification, CM Conway made a motion, seconded by CM Lentz, to continue the process of refunding the BPFAs bonds. The motion carried unanimously by all present.

B. Consider proposal to host the 5k Zippy Race and Health Fair on April 21, 2013 and give direction to staff

City Manager Holstine gave a background stating that City staff had been approached by the organizers of the Zippy Race to move their annual 5k race from Golden Gate Park to Brisbane. He stated that Councilman Lentz had brought forward the idea to the Zippy Race organizers and also suggested that a Health Fair be incorporated into the event. He outlined the issues involved and the timing concerns and indicated that if Council favored proceeding with the idea, City staff would meet with the organizers to work out the details.

Councilmember discussed the various details and concerns that they had.

Carolyn Parker said she thought a pancake breakfast would be a good addition to this event.

Michele Salmon thought that this could be a good Earth Day Event.

After further Council questions and clarifications, it was the consensus of the Council that if the parking and safety logistics could be worked with minimal use of City staff time, that they would support trying this endeavor. With that, CM Conway made a motion, seconded by CM O'Connell, for staff to work with the event organizers and bring back further Council actions, as needed. The motion carried unanimously by all present.

STAFF REPORTS

A. City Manager's Report on upcoming activities

1. Report from League of California Cities New Mayors/Councilmember's Conference

City Manager Holstine said that he and Mayor Miller had recently attended the New Mayor/Councilmember's Conference which also included several policy committee meetings attended by various Council and staff members including subjects such as environmental quality, housing and economic development, and public works and infrastructure.

Mayor Miller gave the highlights of several sessions he found interesting such as Ethics Training, the Brown Act, and CEQA information.

2. Report from League of California Cities City Manager's Conference

City Manager Holstine reported that the conference was held in San Francisco this year to a sold out crowd. Topics that were of interest were the overall nature of the current legislature, Proposition 13 proposed changes, Proposition 26 regarding new issues with fees, and Pension Reform.

3. Report about Baylands Citizens Committee first meeting

City Clerk Spediacci reported that the first meeting was held on January 28th and that 20 people had attended. She reported that after an introduction by the Mayor and information provided by staff, the Committee discussed how to organize themselves and ways of approaching the review and comment of the DEIR. The next meeting was set for Tuesday, February 12th at 6:30 p.m.

4. Reminder of Celebration for Sepi Richardson on February 19, 2013

City Manager Holstine reminded everyone of the celebration to honor past Mayor and Councilmember Sepi Richardson. He said that the meeting would begin at 7 p.m. on February 19th and that refreshments would be served.

MAYOR/COUNCIL MATTERS

A. Subcommittee Reports

Councilmembers reported on a recent meetings with the County regarding Proposition A Affordable Housing Funds, the Advanced Life Support Emergency Services Meeting, the Offices of Emergency Services Meeting, the Council of Cities MTC Appointment, the Peninsula Congestion Relief Alliance Meeting, the Library JPA Meeting, a Regional Housing Numbers Allocation meeting, meetings on Economic Development, and recent and upcoming meetings with legislators such as Kevin Mullin and Jerry Hill.

B. Communications

1. Correspondence regarding Brisbane School District Fiscal Problems

Mayor Miller pointed out the recent communication between Ken Walker and himself. He specifically addressed the issue over the dispute of the redevelopment tax increment funds allocation. Councilmembers thanked him for clarifying the matter with Mr. Walker.

C. Mayor's Report from League of California Cities New Mayor/Councilmember

Conference

The Mayor's update was given earlier on the agenda when City Manager Holstine reported about the same conference.

ORAL COMMUNICATIONS 2

Michele Salmon asked that Mayor Miller provide a written synopsis of the topics on Ethics and the Brown Act that he had verbally reported earlier. She stated that members of the public would be interested to know more about the laws and restrictions Councilmembers must operate under.

Carolyn Parker asked about how much the City is owed by the former Redevelopment Agency and if it ever would be paid back.

Administrative Services Director responded to her question and offered to put something on the City website for citizens to access information on this complicated subject.

ADJOURNMENT

The meeting was adjourned at 10:33 p.m.

Sheri Marie Spediacci
City Clerk