



BRISBANE CITY COUNCIL

ACTION MINUTES

MONDAY, JANUARY 14, 2013

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

6:00 p.m. -STUDY SESSION (Study Session held in Large Conference Room

- A. Discussion of appointment of new Mayor Pro Tem**
- B. Discussion of Council Vacancy due to Mayor Pro Tem Richardson's retirement**

Councilmembers had an informal discussion about the various options available to fill the Council vacancy. They noted that any action taken would be during the regular meeting to follow.

7:00 p.m. - 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, Legal Counsel Armento, Community Development Director Swiecki, Administrative Management Analyst Cheung, Financial Services Manager Cooper

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

Mayor Miller noted that Legal Counsel Valerie Armento was present in City Attorney Toppel's absence.

Mayor Miller asked that the meeting be closed in memory of long-time resident Dora Allemand. He also acknowledged that there was a desire by the Council to re-order the agenda.

CM Conway made a motion, seconded by CM Lentz, to move Mayor Council Matters to directly after Oral Communications due to the number of people present to speak on those issues, and to

close the meeting in memory of Dora. The motion carried unanimously by all present.

ORAL COMMUNICATIONS NO. 1

David Needham said he was excited about the Baylands Draft Environmental Impact Report upcoming availability. He asked that every effort be made to engage the families of Brisbane, to obtain their important input. He indicated that he was looking forward to serving on the Brisbane Citizens Committee for the Baylands DEIR review.

Dana Dillworth submitted a letter to Council recapping the recent Schlage Lock meeting that she attended about “revisiting” the plan on the San Francisco side due to loss of Redevelopment funds. She summarized the outcome of that meeting. She also talked about researching park grants, especially parks and trails grants that could be used to improve Quarry Road.

Jamie Dunn asked that the Council consider those members of the public who actively contributed at Council meetings when considering filling the Council vacancy.

Michele Salmon talked about the debris left over in the parking lots after 49ers games and the debris problem on Tunnel Avenue. She asked that Council and staff resolve this problem.

Jameel Munir talked about trees blocking stop signs, residents blocking the roadway while taking to each other in cars, and general problems with bad curves and slopes around town. He encouraged the traffic committee to resolve some of these issues.

Michael Barnes, of the Community Benefit High School group said that applications were still available to apply for the upcoming school year to attend the new Shasta High School. He said applications could be found at the website www.yourcbhs.com

MAYOR/COUNCIL MATTERS (Taken Out of Order)

B. City Selection Committee Appointments

Councilmembers discussed the upcoming City Selection Committee appointment to the Metropolitan Transportation Commission (MTC).

Gina Papan, Mayor of the City of Millbrae, stated her desire to serve on the MTC and said that she would be a strong advocate for the San Mateo County cities. She asked the Mayor and Council for their vote at the upcoming January 25th City Selection Committee Meeting in Redwood City.

After Councilmember questions and clarification, CM Lentz made a motion, seconded by CM Conway, to give direction to the Mayor to vote for Gina Papan to serve on the MTC. The motion carried unanimously by all present.

C. Subcommittee Report

-Report from School/City 2x2 Subcommittee (Brisbane School District)

Councilmembers Lentz and Conway gave a report from the recent School/City 2 x 2 Meeting discussing issues such as school district mergers, school closures, and other options to solve their

fiscal crisis. They both felt that more information needed to be provided before moving forward on any potential changes.

Mayor Miller noted there were several members of the public wishing to speak on this matter.

Jenifer Bousquet submitted a petition had been circulated with 94 signatures so far advocating that the Brisbane-Bayshore School District Merger need more study. She asked for Council's support in the form of a letter to the School Board to ask them to take the time to provide more information to the public before making a decision to move forward with a merger.

Karen Cunningham asked that City help in publishing were citizens could go to sign the petition on-line. She asked for the Council's support in getting more information out to the public on the merger issue.

Jamie Dunn said that as a former school teacher, the last thing Brisbane should do is give up control of their own school district.

Barbara Ebel thanked the Council for listening to members of the public who were concerned with this school merger issue.

Carolyn Parker advised that Brisbane should keep control of their own School Board and that they should not merge with Daly City.

Renee Marmion advised that this issue had been discussed extensively over the last couple of years and urged citizens to attend the upcoming meetings on the 15th, 16th, and 17th of January.

Jameel Munir said that the School Board should be focused on funding instead of merging.

Michael Barnes indicated that he had attended many meetings over the last couple of years when the School Board was discussing the financial concerns and different options. He cautioned against jumping in at the last minute to affect the outcome.

Dee Porter asked Council to support asking the School Board to delay the vote to consider the merger.

Michele Salmon said that the School Board's business does involve the City and its residents and asked Council to give its opinion to the School Board.

Jerry Kuhel expressed his view that the School Board governs the schools, but that the Council governs the entire community. He said that the Council's opinion is important.

After Councilmember discussion and clarification, CM Conway made a motion, seconded by CM Lentz, for the Mayor to work with staff to draft a letter to the School board expressing the Council's concerns and asking that the School Board delay a decision to call an election, and to continue the dialogue with the community on this important issue.

CONSENT CALENDAR

- A. Approve City Council Minutes of November 5, 2012**
- B. Approve City Council Minutes of November 20, 2012**
- C. Approve Monthly Investment Report as of September 30, 2012**
- D. Adopt Resolution No. 2013-01 to acknowledge participation in the County-wide Sub region for Regional Housing Needs Allocation and accept Brisbane's Allocation for 2014-2022 Housing Element Cycle**

CM O'Connell made a motion, seconded by CM Conway, to adopt the Consent Calendar Items as proposed. The motion was carried unanimously by all present.

OLD BUSINESS

- A. Receive update on Baylands Citizens Committee to review the Draft Environmental Impact Report and set date for first meeting**

City Clerk Spediacci reviewed the conversation at the last City Council meeting in regards to the potential conflict of interest of members of the committee having a financial interest in the UPC property. She noted that since that meeting staff had sought a legal opinion that indicated that there was no legal conflict of interest because members of the Citizens Committee are not public officials.

Community Development Director Swiecki indicated that Legal Counsel Margaret Sohagi, who would be working closely with the City through the EIR process, provided the legal opinion. He talked about her extensive experience with municipalities and reviewing EIR's. He also indicated that Ms. Sohagi would be introduced to the full Council prior to the DEIR being released.

Legal Counsel Valerie Armento stated that she agreed with Ms Sohagi's written legal opinion.

Michele Salmon expressed her concerns about people serving on the committee who had a financial conflict of interest.

Carolyn Parker questioned how the group would be organized and whether they would be giving comments as a group, by subcommittee, or individually. Mayor Miller said the group would be deciding on their approach on their own.

After Councilmember discussion, it was the consensus of the Council to not require that a disclosure form be completed but to advise the committee members by letter that the Council had expressed its desire that members of the committee not have a financial interest in any of the companies or landowners in the Baylands. They also agreed to set the first meeting of the Baylands Citizens Committee for Monday, January 28th at 6:30 p.m.

NEW BUSINESS

A. Accept resignation of Sepi Richardson due to retirement

CM Conway made a motion, seconded by CM O'Connell, to accept Sepi Richardson's resignation effective December 29, 2012.

B. Select a new Mayor Pro Tem

CM Lentz made a motion, seconded by CM O'Connell, to appoint CM Conway serve as Mayor Pro Tem. The motion was carried unanimously by all present.

C. Officially declare Council position held by Mayor Pro Tem Richardson vacant and discuss options for filling the vacancy

City Clerk Spediacci advised that the retirement of Mayor Pro Tem Richardson was effective December 29, 2012 and that the term of her office was through December, 2013. Given the vacancy, the Council has 60 days from the commencement of the vacancy to either fill the vacancy by appointment or to call a special election to fill the vacancy.

She noted that a decision needed to be made by February 27, 2013 and that if the decision to call an election was made between February 11th and February 27th, the election would be then be required to be held on November 5, 2013.

Mayor Miller advised that a discussion had been held earlier in the evening as part of a Study Session and he reported the results of that discussion. All Council Members agreed that a special election before November, 2013 was not sensible due to timing and cost. However, there was an impasse regarding the appointment process. Council Members Conway and Lentz wanted to limit eligible appointees to former Council Members, whereas Council Members Miller and O'Connell preferred an open appointment process.

Councilmembers asked questions about the appointment process and timing, and after consultation with Legal Counsel Armento, it was decided to continue this matter to the next Council meeting pending further clarification on the need to appoint someone within the 60 day time frame.

**D. Review and Update urgent Council List of Appointments
(Taken out of order)**

- Finance & Labor Negotiations Subcommittee
- City Attorney Recruitment
- Planning Issues Subcommittee
- SFO Airport Roundtable
- Peninsula Cities Consortium – High Speed Rail

After Councilmember discussion, it was decided that Mayor Miller would serve on the Finance Subcommittee, CM O'Connell would serve on the City Attorney Recruitment Subcommittee, CM Conway would serve on the Planning Issues Subcommittee, CM Lentz would represent the City of the SFO Airport Roundtable, and that CM Conway would represent the City on High Speed Rail meetings and issues.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine reported on a recent Economic Development Council Subcommittee Meeting in which Supervisor Adrienne Tissier attended.

MAYOR/COUNCIL MATTERS

D. Communications

There were no communications discussed.

ORAL COMMUNICATIONS 2

There were no members of the public wishing to speak.

ADJOURNMENT

The meeting was adjourned at 10:58 p.m. in memory of Dora Allemand.


Sheri Marie Spediacci, City Clerk