



BRISBANE CITY COUNCIL
ACTION MINUTES

DRAFT

JUNE 17, 2013

7:30 P.M. CALL TO ORDER – 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 Kahn, Deputy City Attorney Stricker, Community Development Director Swiecki, Police Chief Macias, Public Works Director Breault, Fire Chief Myers

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

Mayor Miller asked that the meeting be closed in memory of long-time resident and Former Mayor & Councilmember Steven W. Waldo. He asked that a moment of silence be observed and gave information about the memorial services. CM O'Connell made a motion, seconded by CM Conway, to adopt the agenda as amended. The motion carried unanimously by all present.

NEW BUSINESS

A. Consider authorizing the Mayor to execute an Agreement for City Attorney Services Renne Sloan Holtzman Sakai, LLP

Mayor Miller gave a background report indicating that the Former City Attorney Hal Toppel had informed the Council of his impending retirement and then recapped the long but thorough process that the Council Subcommittee went through to hire a new City Attorney and Deputy City Attorney. He asked that the Council take the first step to approve the agreement and then he would announce and introduce the City's new attorneys.

CM Conway made a motion, seconded by CM O'Connell, to authorize the Mayor to sign the agreement as proposed. The motion was carried unanimously by all present.

Mayor Miller then introduced Mr. David Kahn as the new City Attorney and Ms. Theresa Stricker as the Deputy City Attorney.

Both attorney's thanked the Council and expressed their excitement about the new opportunity.

ORAL COMMUNICATIONS NO. 1

Molly Burke gave her respects for Steve Waldo and his family. She also spoke about airport noise, the mounds of dirt on the Baylands, and a food sharing program.

Dana Dillworth spoke about the recent problems with AT&T and the disruption of internet and phone service.

Dennis Busse spoke about the dirt piles on the Baylands and problems at the park behind the Community Center.

Michele Salmon expressed her concerns about the height and operations about the dirt piles on the Baylands.

Lory Lacsamana asked about the dumpsters out by the City corporation yard out on Tunnel Avenue and inquired about the purpose of their placement.

Jameel Munir expressed his concern about the height of the piles of dirt on the Baylands.

Molly Burke expressed her concern about fireworks on the 4th of July and how the City planned regulate the illegal use in Brisbane.

Danny Ames spoke about the increase in aircraft noise in Brisbane.

Councilmembers and staff responded and gave further information on each of the concerns raised.

PRESENTATION

A. Environmental Protection Agency (EPA)/National Renewable Energy Laboratory (NREL) Feasibility Study - Katie Brown, from EPA

Administrative Management Analyst Cheung explained that Katie Brown was unable to attend due to a last minute emergency and then introduced Zi Zi Searles who was familiar with the study, who would give the presentation.

Ms. Cheung explained that the report was published in April of this year, focusing on "best in class" solar design as well as financing models to give an idea of payback. She said the report took into consideration Universal Paragon Corporation's "Developer Option" and the Committee for Renewable Energy on the Baylands' "Renewable Energy Alternative". She indicated that this report prepared by a third party would be included as part of the Appendices in the Baylands Draft Environmental Impact Report (DEIR).

Ms. Searles and Mr. David Yogi of the National Renewable Energy Laboratory (NREL) outlined the results of the Feasibility Study of Economics and Performance of Solar Photovoltaics at the Brisbane Baylands Technical Report.

Councilmembers asked questions and asked for clarifications on the study and then took input from citizens who wished to speak.

Anja Miller Co-Chair and communicator for the Committee for Renewable Energy on the Baylands (CREBL) spoke about the data gathered on the annual use of energy of Brisbane residents and businesses and the recent Sierra Club article on a new type of local grid. She recommended reading the article and studying the issue further.

Tony Attard also Co-Chair of CREBL thanked the Council for a thorough study.

Danny Ames asked about the ongoing costs of maintenance and the efficiency statistics.

Carolyn Parker questioned the costs of land rental or purchase.

Jameel Munir asked if the study took into consideration the new information and technology. He asked about the costs of buying the system and the City owning its own Municipal Utility District.

Dana Dillworth gave information about developer owned land versus a Municipal Utility District.

Michele Salmon questioned the numbers presented on the charts in the study and whether it reflected what buildings in the Baylands would consume.

Molly Burke questioned the definition of a remediated site and asked who would pay for the cost of remediation.

Jameel Munir asked about the Planning Commission workshops where roof-top systems were discussed.

Ms. Searles and Mr. David Yogi of NREL answered the questions and concerns that were presented.

After further Councilmember questions and clarifications, Mayor Miller indicated that the EPA/NREL Study would be an Appendix to the forthcoming Baylands Draft Environmental Impact Report.

Ms. Searles thanked the City Council and said she hoped that Sustainable Communities and Renewable Energy would become a part of any future development.

PUBLIC HEARING

- A. Open Public Hearing and hear any objections by the noticed property owners of properties on which a nuisance has been declared to exist within the Brisbane Weed Abatement Program, Close the Public Hearing and sustain or overrule any objections which have been raised, and give direction to the enforcement officer to clear the properties that have not complied with the notice**

Deputy Fire Chief Johnson indicated that this hearing was being held to hear any protests from the public on the notices that were mailed. He reviewed the process of the weed abatement process and indicated that the Fire Department had been working with all property owners to comply with the program. He indicated that there were only five properties left that had not complied.

Jameel Munir questioned the procedures that were followed to enforce the non-compliance properties. He asked that pictures be submitted with the notices so that homeowner would know what needed their attention and that the Fire Department be more responsive to inquiries.

Michele Salmon expressed her concern over infill habitat and doing more harm to the environment by the weed abatement program. She asked that this be approached on a case-by-case basis.

After Councilmember questions and discussion they asked that more time be given between each step of the abatement process so that homeowners had more time to respond.

CM Conway made a motion, seconded by CM Lentz, to close the public hearing and direct the enforcement officer to clear the properties that have not complied with the notice. The motion was carried unanimously by all present.

B. Consider Resolution No. 2013-18, Overruling Protests and Ordering the Improvements and Confirming the Diagram and Assessment for Fiscal Year 2013-2014 for the Sierra Point Landscaping and Lighting District

Mayor Miller read the Opening Statement and opened the public hearing. City Clerk Spediacci read a statement that the reports have been filed in her office and open to public inspection since May 28, 2013.

Dana Dillworth advised the Council of a water fountain that was not in proper operating order at the Marina and asked if that repair would be part of this district assessment. Staff indicated that they would look into that issue.

There being no further public comment, CM Conway made a motion, seconded by CM Lentz, to close the public hearing and to adopt Resolution No. 2013-19 as proposed. The motion carried unanimously by all present.

C. Consider adoption of Resolution 2013-19, imposing charges for funding the local Brisbane storm water program, authorizing placement of said charges on the 2013-14 County tax roll, and authorizing the County Tax Collector to collect such charges

Mayor Miller questioned the ongoing escalating costs of administering this program.

Public Works Director Breault responded to those increase costs and outlined the Proposition 218 process. He said that the County was working with cities collectively to bring this issue to a consolidated vote for an increase in assessments, possibly by November 2014.

There being no members of the public wishing to speak, CM Conway made a motion, seconded by CM Lentz, to close the public hearing and to adopt Resolution No. 2013-19 as proposed. The motion carried unanimously by all present.

D. Consider adoption of Resolution No. 2013-26 adopting a Master Fee Schedule

Administrative Services Director Schillinger reviewed the background of the target recovery percentages for the City's fee schedule. He indicated that the 2.7 percent across the board increase reflected the actual cost of providing the services to which each fee relates. He also indicated that the Parks and Recreation Commission reviewed the fees for the swimming pool and the Community Park. He said the Master Fee schedule being proposed reflected those recommended changes.

After Councilmember questions and clarifications, CM O'Connell made a motion, seconded by CM Conway, to adopt Resolution No. 2013-26 as proposed. The motion carried unanimously by all present.

Carolyn Parker asked for the rationale and information regarding Planning Fees such as grading fees. City Manager Holstine said that the Finance Director Schillinger would be the person to talk to for more information.

NEW BUSINESS

B. Consider request from Recology for the City of Brisbane to initiate the Planning Process for Recology's Expansion Project and consider authorizing the Mayor to execute an Agreement to Pay Processing Costs (Item taken out of order)

Community Development Director Swiecki gave a report indicating that the Council was being requested by Recology to initiate a planning and environmental review process for the proposed Recology expansion project. He said that should the Council choose to grant this request there were a number of other steps that should be considered as well. One would be an Agreement for Recolgoy to pay all processing costs. The other would be to authorize the City Manager to execute a Consultant Agreement with ESA Inc. to prepare an Environmental Impact Report (EIR) for the proposed Recology expansion, and also to direct the City staff to initiate preparation of an Memorandum of Understanding (MOU) with the City of San Francisco establishing the City of Brisbane as the CEQA Lead Agency and the City of San Francisco as Responsible Agency for the proposed Recology expansion.

John Glaub and David Johnson from Recology gave a presentation about the proposed expansion project and answered questions from Councilmembers.

In response to Councilmember questions Community Development Director Swiecki said that allowing Recology to proceed independently to the Baylands EIR is both legally and procedurally appropriate. He said that allowing Recology's planning process to proceed independently would allow both the Baylands and Recology to proceed at the appropriate pace, given the scope of the separate projects.

Dana Dillworth gave information about Recology giving a recent presentation to the Brisbane Baylands Citizens Advisory Group (BBCAG) and the importance of adequate site descriptions.

Michele Salmon supported reviewing these projects separately so that the garbage problem can be solved expeditiously.

After Councilmember further discussion and clarification, CM Lentz made a motion, seconded by CM Conway, to approve the request from Recology to initiate an independent planning and environmental review process, approve the Agreement to Pay Processing Costs, and authorize staff to negotiate with ESA and San Francisco. The motion carried unanimously by all present.

- A. Consider authorizing the City Manager to enter into an Agreement with San Carlos that will transfer electric underground credits to San Carlos and have the credits returned to us with “interest” which provides an innovative solution both to accruing additional work credits for the City of Brisbane and for allowing the City of San Carlos to move forward with their proposed project**

After Councilmember discussion, CM Conway made a motion, seconded by CM Lentz, authorize the City Manager to sign the Agreement with San Carlos as proposed. The motion carried unanimously by all present.

C. Successor Agency Tax Allocation Bond Refinance

- 1. Consider adoption of City Resolution No. 2013-27 approving the issuance and sale by the Successor Agency to the Redevelopment Agency of the City of Brisbane of Tax Allocation Bonds to Refinance Redevelopment and Low and Moderate Income Housing Activities within and for the benefit of the Projects of the Former Redevelopment Agency of the City of Brisbane**

Dana Dillworth expressed her concern with the refinance and the accuracy of the proposed saving to the community.

After Councilmember discussion and clarification, CM Conway made a motion, seconded by CM Lentz, to adopt Resolution No. 2013-27 as amended. The motion was carried unanimously by all present.

- 2. Consider adoption of Brisbane Public Financing Authority Resolution No. BPFA 2013-02 authorizing execution and delivery of an Escrow Agreement in connection with the issuance and sale by the Successor Agency to the Redevelopment Agency of the City of Brisbane of Tax Allocation Refunding Bonds to refinance Redevelopment Activities within and for the benefit of the Projects of the former Redevelopment Agency of the City of Brisbane and approving related actions**

Boardmember Conway made a motion, seconded by Boardmember O’Connell, to adopt BPFA Resolution No. 2013-02 as amended. The motion was carried unanimously by all present.

OLD BUSINESS

- A. Consider approval of final draft and authorize staff to proceed with design and printing of 50th Anniversary History Book project**

Due to the late hour this item was continued to the City Council Meeting of June 24, 2013.

BUDGET ADOPTION

- A. Departmental Presentations**

- 1. Administrative Services/Human Resources/Central Services**

Due to the late hour this item was continued to the City Council Meeting of June 24, 2013.

- B. Consider adoption of the 2013-2014 Budget:**

- 1. Consider adoption of Resolution No. 2013-24 adopting the annual budget for the fiscal year 2013-2014 and making appropriations for the amounts budgeted**
- 2. Consider adoption of Resolution No. GVMID 2013-01 adopting the annual budget for the fiscal year 2013-2014 and making appropriations for the amounts budgeted**

Due to the late hour this item was continued to the City Council Meeting of June 24, 2013.

- C. Consider adoption of Resolution No. 2013-25 establishing the Appropriation Limit for Fiscal Year 2013/2014**

Due to the late hour this item was continued to the City Council Meeting of June 24, 2013.

STAFF REPORTS

- A. City Manager's Report on upcoming activities**
 - Update on Brisbane Soil Processing Stockpile Management**
 - Bullitt Documentary Update**

Due to the late hour this item was continued to the City Council Meeting of June 24, 2013.

MAYOR/COUNCIL MATTERS

- A. Discussion of Council Meetings in July/August**

Due to the late hour this item was continued to the City Council Meeting of June 24, 2013.

- B. County-wide Assignments/Subcommittee Report**

- 1. Sustainability Committee**

- 2. Finance Subcommittee**
- 3. City/JUHSD 2 x 2 Subcommittee**

Due to the late hour this item was continued to the City Council Meeting of June 24, 2013.

- C. Communications**
 - AT&T Outage**

Due to the late hour this item was continued to the City Council Meeting of June 24, 2013.

- D. League of California Cities Voting Delegate Form**

Due to the late hour this item was continued to the City Council Meeting of June 24, 2013.

ORAL COMMUNICATIONS 2

There were no members of the public wishing to speak.

ADJOURNMENT

The meeting was adjourned at 12:08 p.m. in memory of Steve Waldo.
A Successor Agency Meeting was held immediately following this meeting.

Sheri Marie Spediacci, City Clerk