



BRISBANE CITY COUNCIL  
ACTION MINUTES

**DRAFT**

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JUNE 3, 2013

**5:00 P.M. CLOSED SESSION**

- A. Public Employee Appointment; Title: City Attorney, pursuant to Government Code Section 54957

**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 Toppel, Community Development Director Swiecki, Police Chief Macias, Public Works Director Breault, Management Analyst Cheung, Principal Analyst Saguisag-Sid, Deputy Finance Director Cooper, Senior Civil Engineer Kinser

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

Mayor Miller announced gave a report out of Closed Session saying that discussions were still continuing on the City Attorney Appointment and that no decision had been made.

CM Conway made a motion, seconded by CM Lentz, to adopt the agenda as proposed. The motion carried unanimously by all present.

**PRESENTATION**

**A. Recognition of Concert in the Park Sponsors**

Mayor Miller thanked and presented Commendations to the following sponsors of the Concerts in the Park; Vince Fornesi, Ron Fornesi, and Paul Formosa of South San Francisco Scavengers, Raphael Meza of Melissa's Taqueria, Al Banfield of Garden Chapel, Dan Carter, Stuart Schillinger, Doug Rider of CSG Consultants, Rich Borghello and John Glaub of Recology, Jerry Kuhel of Kuhel Design, and Jonathan Powers and Jennifer Carrott of Homewood Suites.

## ORAL COMMUNICATIONS NO. 1

Michele Salmon said that the dirt piles on the Baylands Soil Recycling site is getting higher and higher and asked what the status of the follow-up was on the regulation of height and the upcoming permit renewal.

Councilmembers asked staff to report back at the next meeting with information about existing resolutions or agreements that were in place on this issue and to report on the status of enforcement.

## CONSENT CALENDAR

Mayor Miller asked to remove Consent Calendar Item E.

- A. Approve response to Grand Jury Report regarding Law Enforcement and our Multilingual County**
- B. Approve response to Grand Jury Report regarding Water Recycling**
- C. Sierra Point Lighting & Landscape District**
  - 1. Adopt Resolution No. 2013-16 a resolution of preliminary approval of Engineer's Report – Fiscal Year 2013-2014**
  - 2. Adopt Resolution No. 2013-17, a resolution of intention to levy and collect assessments pursuant to the Landscaping and Lighting Act of 1972 – Fiscal Year 2013-2014**
- D. Accept the \$5,995.40 Brisbane share of the Regional FEMA Firefighter Assistance Grant Award of \$299,770 for upgrade of the apparatus exhaust system and the replacement of the rescue air bags on all apparatus**
- F. Adopt Resolution No. 2013-15 opposing the purchase and use of rat and mouse poisons deemed an unreasonable risk to children, pets and wildlife**

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

- E. Approve the extension of terms of the contract with Millbrae Community Television (MCTV) for telecasting and station management services**

Mayor Miller asked for a clarification of fees listed on Exhibit A to the Contract and asked that an alternate contact person be designated on Page 6. With that addition, CM O'Connell made a motion, seconded by CM Conway, to approve the extension as amended. The motion carried unanimously by all present.

## PUBLIC HEARING

- A. Consider adoption of Resolution No. 2013-23 confirming a Weed Abatement Assessment Report and ordering the cost of abatement to be a special assessment on the respective properties described herein**

Deputy Finance Director Cooper said that each year the Fire Department sends out notices of fire danger and stating the need for weed abatement. She said they work with all property owners to assist with clearing weeds from their property and that if the property owner does not follow through on cleaning up the property, the City has the authority to hire a contractor to provide for the cleanup. She advised that the Fire Department then bills those property owners for the costs of the clean-up including an administrative fee. If those invoices are not paid then the City may proceed with placing a lien against the property.

She indicated that the law requires the Council to hold a public hearing on the matter so that property owners may object to the charges. She said that hearing and determining any objections, the Council can confirm the assessment to be placed against the properties. Mayor Miller questioned the proposed resolution and Ms. Cooper confirmed that a page was missing. She provided a corrected copy.

Mayor Miller opened the public hearing. There being no members of the public wishing to speak, CM Conway made a motion, seconded by CM Lentz, to close the public hearing.

After Councilmember questions and clarifications, CM O'Connell made a motion, seconded by CM Lentz, to adopt the resolution as corrected. The motion was carried unanimously by all present.

## **OLD BUSINESS**

- A. Adopt Ordinance No. 581, waiving second reading, amending Chapter 8.24 of the Municipal Code concerning the award of contracts for garbage collection service, to allow the establishment of multiple garbage collection zones within the City and the award of a separate franchise agreement for each zone & Adopt Resolution No. 2013-14 establishing the franchise zones for solid waste collection services**

City Attorney Toppel said that the proposed Ordinance was introduced by the City Council at its regular meeting on May 20, 2013. He stated that no change was made to the proposed ordinance at that time. He reviewed the purpose of the ordinance and said that Resolution No. 2013-14 would create three separate collection zones as shown on the map that was attached to the resolution, consisting generally of central Brisbane and Sierra Point as Zone 1, the area around Industrial Way as Zone 2, and the Baylands as Zone 3.

He said that separate franchise agreements for those zones would be considered at a later date.

City Attorney Toppel said that in the meantime, South San Francisco Scavenger will continue to collect solid waste throughout the entire City until its existing franchise agreement expires on February 28, 2014 or is replaced by a new agreement before that date. He said that it is anticipated that new franchise agreements will be negotiated and executed between the City and South San Francisco Scavenger covering one or more of the established zones.

Paul Formosa, Chief Financial Officer for South San Francisco Scavenger, said that he looked forward to working with the City on a new franchise agreement.

After Councilmember questions, clarifications, and discussion, CM Conway made a motion, seconded by CM O'Connell, to adopt Ordinance No. 581 as presented. The motion carried unanimously by all present.

CM Conway then made a motion, seconded by CM O'Connell, to adopt Resolution No. 2013-14 as presented. The motion carried unanimously by all present.

## NEW BUSINESS

### A. Northeast Ridge Assessment District Refunding of Bonds

1. **Consider adoption of Resolution No. 2013-20, a resolution of intention to levy reassessments and to issue refunding bonds upon the security thereof relating to the Northeast Ridge Assessment District**
2. **Consider adoption of Resolution No. 2013-21 adopting reassessment report for the Northeast Ridge Assessment District, confirming and ordering new reassessments and authorizing and directing actions with respect thereto**
3. **Consider adoption of Resolution No. 2013-22 authorizing the issuance of refunding bonds, providing for execution of a Fiscal Agent Agreement and an Escrow Agreement, and approving and authorizing other matters related thereto – Northeast Ridge Assessment District**

Deputy Finance Director Cooper reported that in 1995, the City of Brisbane formed the Northeast Ridge Assessment District when there were three parcels of vacant land and the approval of 579 housing units. The bonds were issued to acquire certain streets, curbs, gutters, sidewalks, water system and storm drainage improvements within the district. She said the special assessment bonds were issued in the amount of \$7,860,000 in December, 1995 and they were secured by the unpaid assessments.

She said that in 2001, the City conducted reassessment proceedings to reduce the burden on the parcels in the District. The 1995 bonds were refunded in the amount of \$6,975,000 and were secured by the unpaid 2001 Reassessments.

She indicated that with the current low interest rates, the City now has the opportunity to reduce the burden on the parcels again, which will save the homeowners at the Ridge about \$190,000 over the remaining life of the debt. She said that this is not a debt of the City, therefore there is no fiscal impact to the City.

After Councilmember questions and clarifications, CM Conway made a motion, seconded by CM Lentz, to adopt Resolutions 2013-20, 2013-21, and 2013-22 as presented. The motion was carried unanimously by all present.

## **BUDGET WORKSHOP**

### **A. Department Presentations**

- 1. City Manager/Co-sponsorships/Library/City Council**
- 2. City Clerk**
- 3. Community Development**
- 4. Administrative Services/Human Resources/Central Services/Legal Services**
- 5. Parks & Recreation**
- 6. Open Space & Ecology**

Administrative Services Director Schillinger gave a Powerpoint presentation which listed a number of corrections made to the Budget Summary Sheets, the Personnel Allocation Table, and to the detail budget pages.

Each department manager presented their budget including any changes to the prior year and any new programs and goals that were being proposed. Due to the late hour, the Administrative Services/Human Resources/Central Services/Legal Services and the Open Space & Ecology Presentations were continued to the next City Council Budget Workshop.

After Councilmember questions, clarifications and discussion, they asked Administrative Services Director Schillinger to bring back a recap of changes and corrections at the end of the budget hearings.

## **STAFF REPORTS**

### **A. City Manager's Report on upcoming activities - Update on Complete Streets Safety Committee Applications**

City Clerk Spediacci reported that seven citizens had applied to be a part of the Complete Streets Safety Committee and indicated that the applications had been given to the Councilmembers for their review.

Councilmembers asked that this matter be agendaized for the next Council meeting giving them time to review the applications and decide on appointments then.

## **MAYOR/COUNCIL MATTERS**

### **A. Subcommittee Reports B. Communications**

Due to the late hour, Council decided to continue the report on these items until the next meeting.

## **ORAL COMMUNICATIONS 2**

There were no members of the public wishing to speak.

**ADJOURNMENT**

The meeting was adjourned at 10:26 p.m.

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Sheri Marie Spediacci, City Clerk