



BRISBANE CITY COUNCIL

ACTION MINUTES

MONDAY, MARCH 4, 2013

BRISBANE CITY HALL COMMUNITY MEETING ROOM, 50 PARK PLACE, BRISBANE

6:00 P.M. CALL TO ORDER – CLOSED SESSION (in City Hall Conference Room)

- A. Public Employment, Title: City Attorney, pursuant to Government Code Section 54957**
- B. Conference with Real Property Negotiator regarding APN #'s 007-281-070, 007-281-080, 007-281-100 (163 & 163A Visitacion Ave & 348 Monterey Street), pursuant to Government Code Section 54956.8**
- C. Conference with labor negotiators; All Bargaining Units, pursuant to Government Code Section 54957.6**

7:30 P.M. CALL TO ORDER – FLAG SALUTE

Mayor Miller called the meeting to order at 7:31 p.m. 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 Commander Meisner, Public Works Director Breault, Deputy Finance Director Cooper

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

Mayor Miller indicated that he would give a short report regarding the Closed Session items.

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

Mayor Miller stated that in the Closed Session held prior to the regular meeting, Council talked

about the City Attorney applications that were received, a property transfer issue that would be considered later on the agenda, and about labor negotiations where they gave instructions to the labor negotiators.

PROCLAMATION

A. American Red Cross Month

Mayor Miller presented the proclamation to Mr. Chris Orman, a representative from the American Red Cross and thanked him on behalf of the organization he served for their fine work.

Mr. Orman thanked the Council for their recognition and gave information about programs and upcoming events of the Red Cross.

CM Lentz asked if the Red Cross could be involved in the upcoming foot race event in Brisbane. Mr. Orman said he would provide contact information for the person that could make that possible.

ORAL COMMUNICATIONS NO. 1

Sonny Koya and Claudia Crook gave an update on the Samtrans Service Plan and recent meetings. They indicated that the Plan would be released soon and encouraged the Council and citizens to attend the upcoming meetings, one of which would be in Brisbane on March 20th at 6pm. They stressed that the input so far from Brisbane would hopefully have a positive impact on the upcoming Service Plan, but cautioned that continued efforts would be necessary.

Dana Dillworth supported the Samtrans bus services to the San Francisco border. She then spoke regarding the upcoming Bay Area Open Space Council's conference in May and San Francisco Bay Joint Venture's press release regarding the Bay being confirmed as a Global Treasure.

CONSENT CALENDAR

- A. Approve City Council Minutes of February 19, 2013**
- B. Water Supply Contracts with City and County of San Francisco regarding future Hetch Hetchy issues**
 - 1. Adopt Resolution No. 2013-04 approving the amendment to the Water Supply Contract with the City and County of San Francisco**
 - 2. Adopt Guadalupe Valley Municipal Improvement District Resolution No. GVMID 2013-01 approving an amendment to the Water Supply Contract with the City and County of San Francisco**

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

PRESENTATION

A. Dr. Glenn Fieldman, Chair of Open Space & Ecology Committee regarding Reusable Bag Ordinance

Dr. Glenn Fieldman, Chair of the Open Space and Ecology Committee gave a presentation outlining the Open Space and Ecology Committee's view on the Brisbane and the San Mateo County Single-use Carryout Bag Ban.

After Councilmember questions and clarifications, Mayor Miller thanked her for her very informational presentation.

Mr. Dean Peterson, Director of the San Mateo County Environmental Health Services also answered questions about the proposed program and ordinance.

CONTINUED PUBLIC HEARING

- A. Consider actions regarding Reusable Bag Ordinance**
- 1. Consider motion to make the findings required pursuant to section 15096 of the CEQA Guidelines for the addition and adoption of Chapter 8.17 to the Brisbane Municipal Code**
 - 2. Consider introduction of Ordinance No. 580, waiving first reading, amending Brisbane Municipal Code Title 8 (Health and Safety) by adding Chapter 8.17 to incorporate all of the current requirements in County of San Mateo Ordinance #044637 prohibiting retail establishments from providing single use carry-out bags and requiring that retailers provide recycled paper bags or reusable bags at a minimum charge of 10 cents (escalating to 25 cents after Jan 1, 2015) per bag (Continued from February 19, 2013)**

Public Works Director Breault indicated that this issue was continued from the City Council's regular meeting of February 19, 2013 and he briefly reviewed the information that was provided at that meeting.

He indicated that since that original meeting, staff had contacted the County of San Mateo Environmental Health Division and forwarded a list of questions raised at the February meeting. He said that staff also requested that County Health directly contact each of the four local retailers and explain how the ordinance might impact them, and answer any questions they might have on the implementation of the ordinance.

He explained the alternatives regarding adoption of CEQA, the effective date of the proposed ordinance, and the proposed exemption that was proposed in the staff report.

Mr. Dean Peterson from County Health and City Attorney Toppel answered many questions from Council regarding potential liability to the City if adopting an ordinance significantly different from the one proposed by the County.

Councilmembers also discussed the outreach made to local businesses and the business owners' comfort with the proposed new requirements.

Mayor Miller opened the Public Hearing.

Carolyn Parker asked Mr. Peterson if there was any effort on the horizon to deal with other plastic bags such as the ones used for produce. Mr. Peterson indicated that the subject was being explored.

Dana Dillworth said she hoped that the polystyrene would be dealt with soon too.

There being no further members of the public wishing to speak, CM Conway made a motion, seconded by CM O'Connell, to close the public hearing. The motion was carried unanimously by all present.

After further Councilmember questions and clarifications, CM O'Connell made a motion, seconded by CM Lentz, to introduce the Ordinance 580 as originally proposed with the CEQA findings made in the ordinance. The motion carried unanimously by all present.

NEW BUSINESS

A. Sale and purchase of property at 163 & 163A Visitacion Avenue & 348 Monterey Street

- 1. Consider adoption of Resolution No. HA 2013-01, a resolution of the Brisbane Housing Authority of the City of Brisbane approving a sale of 163 & 163A Visitacion Avenue and 348 Monterey Street to the City of Brisbane**
- 2. Consider adoption of Resolution No. 2013-06, a resolution of the City of Brisbane approving a purchase of 163 & 163A Visitacion Avenue and 348 Monterey Street from the Brisbane Housing Authority and authorizing a loan from the City's General Fund to the City's Capital Improvement Fund to finance such purchase**

Administrative Services Director Schillinger explained that the Brisbane Redevelopment Agency purchased 163 and 163A Visitacion Avenue and 348 Monterey Street in February of 2003 for \$804,111.73. He said the property was purchased with Low/Mod Housing Funds and was intended for a low/moderate income housing project in conjunction with a new library.

He further explained that when the Redevelopment Agencies were dissolved by State legislation and court action, the property was transferred into the Redevelopment Agency's Successor Agency Housing Fund. He said the property was included on the Successor Agency's Due Diligence Review (DDR) as an asset to be transferred to the City's Housing Authority and the DDR was approved by both the Oversight Board and the Department of Finance.

He explained that State Law requires assets within the Housing Fund to either be used for its intended purpose or sold by the end of ten years, which in this case was by March 10, 2013. He

indicated that the City desires to hold this land for a future Capital Improvement Project and explained the proposed financing to acquire the properties.

After initial Councilmember discussion and clarification, Mayor Miller called on members of the public wishing to speak.

Dana Dillworth expressed her frustration and disappointment with the City in letting the ten years expire without creating a low/moderate income project as well as the City not having more programs in place to help low income citizens maintain the existing homes and property.

City Manager Holstine responded to the timing issues of making a project happen on the subject property. He also outlined the affordable housing programs and projects that the City had undertaken in the last few years. He indicated that the City would be reviewing new policies and programs in light of the dissolution of Redevelopment and the reactivation of its Housing Authority.

James Roth advocated for affordable housing for the City's police and fire employees so that they would be able to afford to live in town.

CM Miller asked that additional wording be added to the proposed resolutions clarifying that due to the dissolution of redevelopment agencies, there was a lack of funding which made the affordable housing project unfeasible. He also asked to add the deadline date by which the properties needed to be sold or utilized.

City Attorney Toppel also pointed out minor typographical errors in the resolution that needed to be corrected.

After further Councilmember discussion and clarification, CM O'Connell made a motion, seconded by CM Lentz, to adopt Resolution No. HA 2013-01 and Resolution No. 2013-06 as amended. The motion carried unanimously by all present.

B. Refer items/issues to the Parks and Recreation Commission to review and make recommendations to the City Council

City Manager Holstine indicated the he and the Mayor had been discussing several Parks and Recreations issues over the last several months. He indicated that they related to things like a suggestion by a member of the public to rename the Festival of Lights and the Community Park, dog feces in the Community Park, the use of alcohol in City parks, lighted signs at Mission Blue Center, Teen Center programming, and the assessment of cost effectiveness of recreation programs.

He asked for Council direction on whether the Parks and Recreation Commission should review these items and report back to Council with a recommendation.

After Councilmember discussion, it was determined that most of the items were already being reviewed by the Parks and Recreation Commission or being dealt with by City staff.

Administrative Services Director Schillinger indicated that he would bring the renaming of the Festival of Lights and the Community Park to the Parks and Recreation Commission for their review and recommendation.

XI. STAFF REPORTS

A. City Manager's Report on upcoming activities

- 2013 Work Plan

City Manager Holstine reviewed the list of thirty issues and projects that staff was currently working on. He said that this list was not all inclusive.

After Councilmember questions and clarifications, Mayor Miller indicated that staff was working on a format that would indicate the dates that each of the work plan items might be considered at a City Council meeting.

- Meeting with State Senator Jerry Hill

Due to the late hour, this item was continued to the next meeting.

MAYOR/COUNCIL MATTERS

A. Report from City Selection Committee

Due to the late hour, this item was continued to the next meeting.

B. Subcommittee Report

CM Conway gave an update on the recent C/CAG meetings and introduced Mr. Scott Hart, Government Relations Representative from Pacific Gas and Electric. Mr. Hart gave a brief report about the Energy Efficiency and Rebate programs underway.

C. Update Council Subcommittee List

Councilmembers discussed and made several appointments and changes to the Council Subcommittee list.

D. Consider Council Meeting Schedule

Due to the late hour, this item was continued to the next meeting.

E. Communications

- Letter about enforceable mechanisms for new development

Due to the late hour, this item was continued to the next meeting.

- Letter from Judge of Superior Court regarding Grand Jury Selection

Mayor Miller stated that if Councilmembers had citizens in mind that would be interested in serving on the SMC Grand Jury for 2013/2014 that they give that information to the City Clerk to respond to the letter from the Judge. Councilmembers also asked that the selection and appointment be advertised on the City website.

- Letter from Jobs for Youth


Due to the late hour, this item was continued to the next meeting.

ORAL COMMUNICATIONS 2

There were no members of the public wishing to speak.

ADJOURNMENT

The meeting was adjourned at 11:30 p.m.



Sheri Marie Spediacci, City Clerk