



BRISBANE CITY COUNCIL

ACTION MINUTES

DRAFT

MAY 19, 2014

6:30 P.M. CLOSED SESSION

- A. Conference with real property negotiator; APN #'s 007-570-130 & 007-481-040, pursuant to Government Code Section 54956.8**
- B. Conference with legal counsel regarding one case of potential litigation, pursuant to Government Code Section 54956.9**
- C. Liability Claims; Carrie Baesler and State Farm Insurance, pursuant to Government Code Section 5456.95**

7:30 P.M. CALL TO ORDER – FLAG SALUTE

Mayor Conway called the meeting to order at 7:30 p.m.

ROLL CALL

Councilmember's present: Lentz, Liu, Miller, O'Connell, and Mayor Conway
Councilmember's absent: None
Staff present: City Manager Holstine, City Clerk Spediacci, City Attorney Kahn, Associate Attorney Delventhal, Deputy Finance Director Cooper, Deputy Fire Chief Johnson, Police Chief Macias, Police Commander Meisner

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

Mayor Conway asked to add a discussion about Assembly Bill 2657 relating to fish and wildlife protection under Mayor Council Matters.

REPORT FROM CLOSED SESSION

City Attorney Kahn reported that direction was given but no action taken on Closed Session Items A & B and that the claim was denied on Closed Session Item C.

PRESENTATION

A. Brisbane Village – “Lotsa Helping Hands” – Nancy Colman

Community members Nancy Colman and Cindy Rudolph gave a presentation about a new program that they were launching and to seek co-sponsorship from the City on promotional support, waiver of fees for City facilities, and refreshments for a Welcome and Recruitment event.

They explained that “Lotsa Helping Hands” or “The Village” was a self-governing, grass roots community organization that would coordinate or facilitate access to supportive services provided by community volunteers or other service providers to promote aging-in-place, social integration and well-being for older community members.

They said that there were over 100 Villages across the country, most of which are member-based nonprofits that were supported by dues and external donations. They also gave a brief history of their efforts to launch a Village in Brisbane and how the program would work.

After Councilmember questions and clarifications, they thanked Ms. Colman and Ms. Rudolph for their effort and expressed their support of their endeavor.

ORAL COMMUNICATIONS NO. 1

There were no members of the public wishing to speak.

CONSENT CALENDAR

Councilmembers asked to remove Items A & C

B. Approve Monthly Investment Report as of March 31, 2014

D. Adopt Ordinance No. 583, amending the Brisbane Municipal Code Title 15 regarding the 2013 California Building Standards Codes, with certain local modifications, and the 2012 International Property Maintenance Code

E. Adopt Ordinance No. 586, amending Section 2.44.020 of the Municipal Code concerning day of City Council Meetings

CM Miller made a motion, seconded by CM O’Connell, to approve Consent Calendar Items B, D, & E as presented. The motion was carried unanimously by all present.

A. Approve City Council Minutes of March 17, 2014

Councilmembers made typographical changes on Pages 2, 4, & 8. With those corrections, CM Miller made a motion, seconded by CM O’Connell, to approve the minutes as amended. The motion was carried unanimously by all present.

C. Approve Co-sponsorship of Brisbane Village – “Lotsa of Helping Hands”

Councilmembers asked the City Attorney to look at the Co-sponsorship policy to make sure co-sponsoring a non-profit or community organization did not subject the City to liability.

With that direction and subsequent determination that liability would not be problem, CM Miller made a motion, seconded by CM O’Connell, to approve the Co-sponsorship as proposed. The motion carried unanimously by all present.

NEW BUSINESS

A. Consider introduction of Ordinance No. 585 adopting regulations pertaining to Massage Businesses in Brisbane

Associate Attorney Delventhal said that State Law requires that persons working in the massage field be certified as California Massage Therapists through a private non-profit corporation called the California Massage Therapy Council (CAMTC). He said that State Law also allows local jurisdictions to require massage professionals/businesses to provide proof of state certification, to apply reasonable health and safety requirements, to inspect businesses, and to require owners to notify the local jurisdiction of changes to the business.

He then reviewed the provisions of AB 1147, which is one of four pending bills now in committee relating to the massage law and the proposed changes it would implement.

He said that the City currently does not have an ordinance on the books regulating persons offering massage or massage businesses. He explained that the proposed ordinance represents an effort to authorize the City to regulate the massage authority to the extent permitted by law and then outlined the main components of the proposed ordinance.

After Councilmember questions, clarifications, and discussion, they asked staff to make changes to the text of the ordinance including making consistent reference to Certified Massage Therapists/Practitioners throughout the ordinance, making it clear that massage regulations do not apply to barbers, cosmetologists, estheticians, and manicurists, clarifying that existing massage establishments would also be required to apply for a Certificate of Registration, clarifying other Certificate of Registration procedures, and making other typographical, non-substantive corrections.

Councilmembers also asked that staff notify those businesses and individuals that would or would not be affected by this proposed ordinance. It was agreed that a posting would be placed on the City’s website.

After further Councilmember discussion, CM Miller made a motion, seconded by CM Liu, to introduce Ordinance No. 585 as amended. The motion carried 4-1, with CM O’Connell abstaining.

B. Consider directing staff to begin the proposition 218 process for setting a rate for capital improvements for the water and sewer system

Administrative Services Director Schillinger reported that the Council Facilities Subcommittee had met over the past year to study the Water and Sewer System Capital Improvement Plan (CIP) and to discuss the setting of rates to pay for those needed improvements. He said the first portion of the CIP was brought forward and approved by the City Council during the 2013/14 budget process. He said the approved CIP was for \$5,000,000.

He explained that in order to match the useful life of the improvements to the users who would be using them, a bond issue was determined to make the most sense.

He also explained the second issue the Subcommittee discussed which was to determine a rate structure that would ensure there was a steady flow of income regardless of the water used. He then reviewed a table showing the rate structure and explained the methodology in determining the rates.

Mr. Schillinger explained the Proposition 218 process, which requires notifying property owners regarding any increase in rates and the requirement to hold a public hearing at least 45 days later to allow time for community input.

After Councilmember questions and clarifications, they directed staff to make sure the letter that is sent out to property owners makes it clear that the CIP fee is a fixed rate.

With that input, CM Lentz made a motion, seconded by CM Liu, to direct staff to begin the Proposition 218 process. The motion carried unanimously by all present.

C. Consider authorizing the Mayor to execute an Employment Agreement with the City Manager

City Attorney Kahn reported that City Manager Clay Holstine has been employed by the City of Brisbane since 1998. He said that the last Employment Agreement with the City was entered into in June, 2005, and there have been three amendments to the Employment Agreement with respect to compensation and terms of employment between 2005 and 2014.

He said that the Agreement now incorporates all of the relevant changes from the prior three amendments and then reviewed the new provisions and said that the salary reflects the return of a 2% reduction in salary implemented in January 2013, plus a 2% Cost of Living Adjustment both to be effective with the first payroll period of July 2014.

CM Lentz made a motion, seconded by CM Miller, to authorize the Mayor to execute the Employment Agreement with the City Manager as presented. The motion carried unanimously by all present.

STAFF REPORTS

A. City Manager's Report on upcoming activities

City Manager Holstine reminded the Council about the upcoming Budget Hearing on June 2nd for the Budget Overview. He also reported that the Community Swimming Pool would be closed from June 16th to 20th for repair work.

MAYOR/COUNCIL MATTERS

A. County-wide Assignments/Subcommittee Reports

Subcommittee Meetings held after May 2nd

- **Health and Safety Subcommittee Meeting**
- **Baylands Subcommittee Meeting**
- **Parks and Recreation Subcommittee re: skate park**
- **Economic Development**

Councilmembers gave updates on each of the meetings listed above and Mayor Conway referred to a handout on AB 2657. After discussion about that legislation, it was the consensus of the Council to send a letter from the Mayor regarding banning Rodenticides.

B. Written Communications

It was noted that a communication was received from Clara Johnson on the sale of City property on South Hill Drive and that a subsequent response to that letter was sent from Councilmember Miller.

C. Review updated City Council schedule for 2014

There were no changes made to the proposed schedule.

ORAL COMMUNICATIONS 2

There were no members of the public wishing to speak.

ADJOURNMENT

The meeting was adjourned at 10:18 p.m.

Sheri Marie Spediacci, City Clerk