



BRISBANE CITY COUNCIL
ACTION MINUTES

DRAFT

MONDAY, MAY 6, 2013

BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE

5:30 P.M. CLOSED SESSION

- A. Conference with legal counsel regarding two cases of potential litigation pursuant to Government Code Section 54956.9**
- B. Conference with real property negotiator regarding 185 Visitacion Avenue, pursuant to Government Code Section 54956.8**
- C. Liability Claims; Hartford Insurance Company, pursuant to Government Code Section 54956.95**

7:30 P.M. CALL TO ORDER – FLAG SALUTE

Mayor Miller called the meeting to order at 7:30 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 Chief Macias, Public Works Director Breault, Management Analyst Cheung, Principal Analyst Saguisag-Sid

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

City Attorney Toppel reported that payment for the claim presented in closed session had been allowed and that no other actions had been taken.

Councilmembers discussed reordering the agenda to take New Business Items in the order of Item C, then Item B, and then Item A. CM Conway made a motion, seconded by CM Lentz, to adopt the agenda as amended. The motion was carried unanimously by all present.

PROCLAMATION

A. Recognizing May 19-25, 2013 as Public Works Week

Mayor Miller read significant parts of the proclamation and expressed his own personal thoughts about how vital, but sometimes unrecognized, the public works functions and department are. Other Councilmembers expressed their thanks to the department and its employees as well.

Public Works Director Breault introduced the members of the department and asked that Keegan Black and Joe Friar accept the proclamation from the Mayor on behalf of the department.

ORAL COMMUNICATIONS NO. 1

Dennis Busse stated his various concerns regarding the park in the back of the Community Center relating to mischievous behavior and the need for police surveillance, the timer on the outdoor lighting, the sprinklers, and garbage can placement. He also talked about the importance of city staff responsiveness to requests from members of the public.

Dolores Gomez also talked about the park behind the Community Center and the garbage that has been dumped in her yard by the people who rent the center for events. She indicated that this problem had been going on for years and asked that the Council take action to rectify it.

City Manager Holstine responded to the complaints indicating that City staff had recently decided to have the Community Center attendant be present at the Community Center throughout the hours of all events. He also indicated that city staff would find a temporary way to secure the park after hours until the current refurbishment was complete. Councilmembers also indicated that a higher fence or the planting of greenery along the back fence might also alleviate the problem that Ms. Gomez had been experiencing.

Michele Salmon talked about the lights at Mission Blue being on when not in use, the safety systems for school crossings, the ongoing dust from the Quarry, and the height of the piles of dirt at the recycling center on the Baylands and unidentified vehicles leaving the establishment. She asked that Council respond to these issues. She also thanked the Council for approving sponsorship of the showing of the video No Deposit, No Return and indicated what a success the event was.

City Staff responded that they would look into the timer issue at Mission Blue, contact the County of San Mateo regarding the Quarry operating permit, and review the height of piles of dirt on the Baylands as well as the control of blowing dirt as part of the upcoming permit renewal soon to be before the Planning Commission. Police Chief Macias said she would call the California Highway Patrol to be on closer lookout for the problem vehicles identified by Ms. Salmon.

Dennis Busse also spoke of his concerns on the piles of dirt at the recycling establishment on the Baylands.

CONSENT CALENDAR

Mayor Miller asked to remove Consent Calendar Items C & D for further discussion.

- A. Approve City Council Minutes of April 15, 2013**
- B. Approve Monthly Investment Report as of February, 2013**
- E. Approve Co-sponsorship of a Car Show in the Community Park**

CM Conway made a motion, seconded by CM O'Connell, to adopt Consent Calendar Items A, B, & E as presented. The motion carried unanimously by all present.

C. Sierra Point Landscape and Lighting District Annual Appointments and Directed Preparation of Engineer's Report

- 1. Adopt Resolution No. 2013-08, "Appointing Attorney for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2013-2014."**
- 2. Adopt Resolution No. 2013-09, "Appointing Engineer for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2013-2014."**
- 3. Adopt Resolution No. 2013-10, "Describing Improvements and Directing Preparation of Engineer's Report for the Sierra Point Landscaping and Lighting District for the Fiscal Year 2013-2014."**

Mayor Miller asked to see a map showing the boundaries of the district and asked if street lighting could be placed near the intersection of Sierra Point Parkway and Lagoon as part of the districts improvements.

City Engineer Breault showed a map of the district and indicated that lighting for that area could be funded by the district. Finance Director Schillinger indicated that at the current time the districts fund balance was in a deficit position but is due to catch up in the near future.

After further questions and clarifications, CM Conway made a motion, seconded by CM Lentz, to adopt the resolutions as proposed. The motion carried unanimously by all present.

D. Approve Resolution No. 2013-12 establishing rules and procedures for City Commissions and Committees and adopt Ordinance No. 582 amending Section 2.20.030 and 2.20.040 of the Municipal Code concerning the Parks and Recreation Commission

Mayor Miller proposed adding the words "or more" after the "Twenty percent (20%), on page 3, item D.1., of the proposed Rules and Procedures document.

CM Conway made a motion, seconded by CM Lentz, to approve the resolution with that amendment and to adopt Ordinance No. 582 as proposed. The motion was carried unanimously by all present.

NEW BUSINESS

C. Consider approval of South San Francisco Scavengers Annual Rate Increase (Taken Out of Order)

Principal Analyst Saguisag-Sid reported that the City currently holds a franchise agreement with South San Francisco Scavenger that was approved in 1999. She said that the agreement provides for annual adjustment of rates for commercial and residential customers in Brisbane. She explained the two formulas for adjusting the rates.

She also indicated that the Council Solid Waste Subcommittee had reviewed the proposed rates and found them to be in line with what is permitted by the franchise agreement. Based on those rates, the increase for a standard 32-gallon residential can would be \$0.46 cents per month, or an additional \$5.52 for the year and the increase for a commercial/multi-family 2-yard bin would be an additional \$4.44 per month, or \$53.28 per year.

Mayor Miller asked City Attorney Toppel about the legality of approving the increase when some of the information was not included in the packet. City Attorney Toppel advised that the pertinent information about the increase had been available to both the Council and the public so there was no legal problem in taking an action.

Carolyn Parker asked about the percentage of the rate increase.

Dennis Busse questioned why the city doesn't go out to bid on waste services.

Staff responded that the percentage of increase was 1.91% and that the current contract with South San Francisco Scavengers was for 30 years ending in February of 2014 in which time the City could get bids for a new contracts.

After Councilmember questions and clarifications, CM Conway made a motion, seconded by CM O'Connell, to approve the rate increase as proposed. The motion was carried unanimously by all present.

- B. Approve the plans and specifications, and authorize publication of the Notice Inviting Bids for Bayshore Boulevard Rehabilitation (Project No. 9D05), Repair Sidewalk Trip Hazards (Project No. 9D06), and Retrofit Safety Systems at School Crossings (Project No. 9D07) upon receipt of the funding allocation letter from the California Transportation Commission (CTC) and further, authorize the City Manager to award and enter into agreements with the lowest bidder for each of the three contracts, provided the proposal does not exceed 115% of the engineer's cost estimate**

Senior Civil Engineer Kinser reviewed the purpose of the projects and the funding of each of them.

Councilmembers discussed their concerns regarding any improvements not being intrusive to nearby homeowners or to the ambience of Brisbane. They also discussed the possible need for a stop sign at Visitation Avenue and Mariposa Street and decided to ask the newly-formed Complete Streets Safety Committee to review this issue as well as many others when they begin meeting.

Dennis Busse questioned the need for voice-controlled boxes at crosswalks. Staff responded to that concern.

After further Councilmember discussion, CM Conway made a motion, seconded by CM Lentz, to approve the plans and specifications and authorize publication of the Notice Inviting Bids for the three projects. The motion carried unanimously by all present.

A. Consider authorizing the Mayor to send a letter to ABAG/MTC on the Draft Plan Bay Area including the comments outlined in the staff report and any other comments the City Council wishes (Taken Out of Order)

Community Development Director Swiecki outlined the synopsis of the Draft Plan Bay Area and the different components before the Council at this meeting. He reviewed the regulations of SB375, the Regional Transportation Plan and the Climate Protection Initiatives.

Councilmembers gave direction regarding the Draft Plan Bay Area, the Regional Transportation Plan, and the Draft Plan Bay Area DEIR on subjects relating to environmental sustainability including solid waste disposal, climate change adaption, building energy use, water supply and wastewater treatment and disposal, employment and housing project alignment, and transportation.

They directed Community Development Director Swiecki to draft a letter for the Mayor to send that convey the points that were discussed.

Carolyn Parker asked that the letter also address the business community.

STAFF REPORTS

A. City Manager's Report on upcoming activities

- Budget Calendar

Administrative Services Director Schillinger reviewed the budget dates and process. He proposed the dates of May 28th, and June 3rd, 10th, & 17th. Councilmembers indicated their availability on those dates.

- Invitation to co-host Sen. Jerry Hill's community budget discussion on May 15

City Manager Holstine indicated that the City had been contacted by Senator Hill's office to co-sponsor the upcoming event at Foothill College where Senator Hill will speak on State spending priorities. He indicated that the event would be advertised on the City website.

City Manager Holstine also reported on the recent press release from the County that the Habitat Conservation Plan Permit had been extended by the Fish and Wildlife Service for another 30 years.

MAYOR/COUNCIL MATTERS

A. Subcommittee Report

- Economic Development

CM Lentz reported on the recent meeting where Deputy Fire Chief Panacci presented a fundraising proposal to commemorate the 30th anniversary of the movie Bullitt.

He also reported that the Economic Development Plan would be coming before the City Council for their feedback in August.

- Facilities

CM Conway reported on the tour of the Brisbane Fire Station and the Marina. He said that various ideas were being discussed to pay for the needed capital improvements.

- Solid Waste

City Manager Holstine reported that the Council Solid Waste Subcommittee had met recently to discuss the proposed increase discussed earlier on the agenda for the franchise agreement with SSF Scavengers.

B. Communications

- Freedom to Marry

Mayor Miller reported on a recent letter he received asking Brisbane to support the Freedom to Marry campaign. Councilmembers indicated their support for that cause.

- City Selection Committee LAFCO Appointment

Councilmembers discussed the LAFCO position opening and the fact that the period for submitting letters of interest was still open. Given that fact, they deferred to Mayor Miller to make a decision that was in Brisbane's best interest.

- ABAG Report

Mayor Miller reported on his Ferry trip from South San Francisco to Jack London Square in Oakland to attend the ABAG Conference. He also reported on a new computer planning simulation program that was highlighted at the conference.

ORAL COMMUNICATIONS 2

Dennis Busse talked about the derelict property that the City owned on Visitacion Avenue which used to be the L.T. Clarke property or the Five Star Café. He asked that something be done to maintain that property.

ADJOURNMENT

The meeting was adjourned at 10:59 p.m.

Sheri Marie Spediacci, City Clerk